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H – 3

International Court of Justice

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H0003 - 0002

"(G) WANTON DESTRUCTION OF CITIES, TOWNS, AND VILLAGES AND DEVASTATION NOT JUSTIFIED BY MILITARY NECESSITY.

"The Defendants wantonly destroyed cities" --

THE PRESIDENT: Will you go to Paragraph 2 of (G)? The French read the first paragraph. Do you want to go to Paragraph 2 of (G)?

SECOND RUSSIAN PROSECUTOR: I have begun --

THE PRESIDENT: I thought we had read Paragraph 1. We might take up at Paragraph 2, beginning "In the Eastern Countries the Defendants pursued" --

SECOND RUSSIAN PROSECUTOR:

"2. Eastern Countries:

"In the Eastern Countries the Defendants pursued a policy of wanton destruction and devastation: some particulars of this (without prejudice to the production of evidence of other cases) are set out above under the heading - "Plunder of Public and Private Property".

"In Greece in 1941, the villages of Amelofito, Kliston, Kizonia, Messovunos, Selli, Ano-Kerzilion and Kato-Kerzilion were utterly destroyed.

"In Yugoslavia on 15 August, 1941, the German military command officially announced that the village of Skela was burned to the ground and the inhabitants killed on the order of the command.

"On the order of the Field Commander Hoersterberg a punitive expedition from the SS troops and the field police destroyed the villages of Makovach, and Kriva Reka in Serbia and all the inhabitants were killed.

"General Fritz Neidhold (369 Infantry Division) on 11 Septemger 1944, gave an order to destroy the villages of Zagnizde and Udora, hanging all the men and driving away all the women and children.

"In Czechoslovakia the Nazi conspirators also practiced the senseless destruction of pupulated places. Lezaky and Lidice were burned to the ground and the inhabitants killed.

"(H) Conscription of Civilian Labour

"Throughout the occupied territories the defendants conscripted

H0003 - 0003

and forced the inhabitants to labour and requisitioned their services --

THE PRESIDENT: I think Paragraph (H) has been read, the first paragraph of it. There only remains for you to read Paragraph 2 of (H).

SECOND RUSSIAN PROSECUTOR:

"2. Eastern Countries:

"Of the large number of citizens of the Soviet Union and of Czechoslovakia referred to under Count Three VIII (B) 2 above many were so conscripted for forced labor . . . .

(Skipping)

"IX. INDIVIDUAL, GROUP AND ORGANIZATION RESPONSIBILITY FOR THE OFFENSE STATED IN COUNT THREE.

"Reference is hereby made to Appendix A of this Indictment for a statement of the responsibility of the individual defendants for the offense set forth in this Count Three of the Indictment. Reference is hereby made to Appendix B of this Indictment for a statement of the responsibility of the groups and organizations named herein as criminal groups and organizations for the offense set forth in this Count Three of the Indictment.

COUNT FOUR--CRIMES AGAINST HUMANITY.

(Charter, Article 6, especially 6 (c).)

X. Statement of the Offense.

All the defendants committed Crimes Against Humanity during a period of years preceding 8th May, 1945, in Germany and in all those countries and territories occupied by the German armed forces since 1st September, 1939, and in Austria and Czechoslovakia and in Italy and on the High Seas.

All the defendants, acting in concert with others, formulated and executed a common plan or conspiracy to commit Crimes against Humanity as defined in Article 6 (c) of the Charter. This plan involved, among other things, the murder and persecution of all who were or who were suspected of being hostile to the Nazi Party and all who were or who were suspected of being opposed to the common plan alleged in Count One.

The said Crimes against Humanity were committed by the defendants

H0003 - 0004

and by other persons for whose acts the defendants are responsible (under Article 6 of the Charter) as such other persons, when committing the said War Crimes, performed their acts in execution of a common plan and conspiracy to commit the said War Crimes, in the formulation and execution of which plan and conspiracy all the defendants participated as leaders, organizers, instigators and accomplices.

These methods and crimes constituted violations of international conventions, of internal penal laws, of the general principles of criminal law as derived from the criminal law of all civilized nations and were involved in and part of a systematic course of conduct. The said acts were contrary to Article 6 of the Charter.

The prosecution will rely upon the facts pleaded under Count Three as also constituting Crimes against Humanity.

(A.) MURDER, EXTERMINATION, ENSLAVEMENT, DEPORTATION AND OTHER INHUMANE ACTS COMMITTED AGAINST CIVILIAN POPULATIONS BEFORE AND DURING THE WAR.

For the purposes set out above, the defendants adopted a policy of persecution, repression, and extermination of all civilians in Germany who were, or who were believed to, or who were believed likely to become, hostile to the Nazi Government and the common plan or conspiracy described in Count One. They imprisoned such persons without judicial process, holding them in "protective custody" and concentration camps, and subjected them to persecution, degradation, despoilment, enslavement, torture and murder.

Special courts were established to carry out the will of the conspirators; favored branches or agencies of the State and Party were permitted to operate outside the range even of nazified law and to crush all tendencies and elements which were considered "undesirable". The various concentration camps included Buchenwald, which was established in 1933 and Dachau, which was established in 1934. At these and other camps the civilians were put to slave labour and murdered and ill-treated by divers means, including those set out in Count Three above, and these acts and policies were continued and extended to the occupied countries after the 1st September, 1939, and until 8th May, 1945.

H0003 - 0005

(B). PERSECUTION ON POLITICAL, RACIAL AND RELIGIOUS GROUNDS IN EXECUTION OF AND IN CONNECTION WITH THE COMMON PLAN MENTIONED IN COUNT ONE.

As above stated, in execution of and in connection with the common plan mentioned in Count One, opponents of the German Government were exterminated and persecuted. These persecutions were directed against Jews. They were also directed against persons whose political belief or spiritual aspirations were deemed to be in conflict with the aims of the Nazis.

Jews were systematically persecuted since 1933; they were deprived of liberty, thrown into concentration camps where they were murdered and ill-treated. Their property was confiscated. Hundreds of thousands of Jews were so treated before the 1st September, 1939.

Since the 1st September, 1939, the persecution of the Jews was redoubled; millions of Jews from Germany and from the occupied Western Countries were sent to the Eastern Countries for extermination.

Particulars by way of example and without prejudice to the production of evidence of other cases are as follows:

The Nazis murdered amongst others Chancellor Dollfuss, the Social Democrat Breitscheid and the Communist Thaelmann. They imprisoned in concentration camps numerous political and religious personages, for example, Chancellor Schuschnigg and Pastor Niemöller.

In November 1938, by orders of the Chief of the Gestapo, anti-Jewish demonstrations all over Germany took place. Jewish property was destroyed, 30,000 Jews were arrested and sent to concentration camps and their property confiscated.

Under paragraph VIII(A), above, millions of the persons there mentioned as having been murdered and ill-treated were Jews.

Among other mass murders of Jews were thefollowing:

At Kislovdosk all Jews were made to give up their property: 2,000 were shot in an anti-tank ditch at Mineraliye Vodi: 4,300 other Jews were shot in the same ditch.

60,000 Jews were shot on an island on the Dvina near Riga.

20,000 Jews were shot at Lutsk.

32,000 Jews were shot at Sarny.

60,000 Jews were shot at Kiev and Dniepropetrovsk.

H0003 – 0006

Thousands of Jews were gassed weekly by means of gas-wagons which broke down from overwork.

As the Germans retreated before the Soviet Army they exterminated Jews rather than allow them to be liberated. Many concentration camps and ghettos were set up on which Jews were incarcerated and tortured, starved, subjected to merciless atrocities and finally exterminated.

About 70,000 Jews were exterminated in Yugoslavia.

XI. INDIVIDUAL, GROUP AND ORGANIZATION RESPONSIBILITY FOR THE OFFENSE STATED IN COUNT FOUR.

Reference is hereby made to Appendix A of this Indictment for a statement of the responsibility of the individual defendants for the offense set forth in this Count Four of the Indictment. Reference is hereby made to Appendix B of this Indictment for a statement of the responsibility of the groups and organizations named herein as criminal groups and organizations for the offense set forth in this Count Four of the Indictment.

Wherefore, this Indictment is lodged with the Tribunal in English, French and Russian, each text having equal authenticity, and the charges herein made against the above named defendants are hereby presented to the Tribunal.

ROBERT H. JACKSON.
Acting on behalf of the United States of America.

FRANCOIS de MENTHON.
Acting on Behalf of the French Republic.

HARTLEY SHAWCROSS.
Acting on Behalf of the United Kingdom of Great Britain and Northern Ireland.

R. RUDENKO.
Acting on Behalf of the Union of Soviet Socialist Republics.

Berlin, 6th October, 1945.

H0003-0007

THE PRESIDENT: Has anybody been designated to read the appendixes?

MR. ALDERMAN: May it please the Tribunal, I shall read Appendix A and Appendix B, and the British delegation will read Appendix C. One word of explanation as to Appendix A. The Court will have observed that the defendants are seated in the docket in the same order in which they are named in the Indictment. By a mechanical slip-up they are not named in Appendix A in exactly the same order. I think it would be too much difficulty for the interpreters or for me to arrange them in the same order, and if the Court will permit I will read Appendix A as it is printed.

APPENDIX A.

STATEMENT OF INDIVIDUAL RESPONSIBILITY FOR CRIMES SET OUT IN COUNTS ONE, TWO, THREE AND FOUR

The statements hereinafter set forth following the name of each individual defendant constitute matters upon which the prosecution will rely inter alia as establishing the individual responsibility of the defendant:

GÖRING:

The defendant GORING between 1932-1945 was: a member of the Nazi Party, Supreme Leader of the SA, General in the SS, a member and President of the Reichstag, Minister of the Interior of Prussia, Chief of the Prussian Police and Prussian Secret State Police, Chief of the Prussian State Council, Trustee of the Four Year Plan, Reich Minister for Air, Commander in Chief of the Air Force, President of the Council of Ministers for the Defence of the Reich, member of the Secret Cabinet Council, head of the Hermann Goering Industrial Combine, and Successor Designate to Hitler. The defendant GORING used the foregoing positions, his personal influence, and his intimate connection with the Fuhrer in such a manner that: he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany set forth in Count One of the Indictment; he promoted the military and economic preparation for war set forth in Count One of the Indictment; he parti-

H0003-0008

cipated in the planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; and he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment, and the Crimes against Humanity set forth in Count Four of the Indictment, including a wide variety of crimes against persons and property.

RIBBENTROP:

The defendant RIBBENTROP between 1932-1945 was: a member of the Nazi Party, a member of the Nazi Reichstag, Advisor to the Fuhrer on matters of foreign policy, representative of the Nazi Party for matters of foreign policy, special German delegate for disarmament questions, Ambassador extraordinary, Ambassador in London, organizer and director of Dienststelle Ribbentrop, Reich Minister for Foreign Affairs, member of the Secret Cabinet Council, member of the Fuhrer's political staff at general headquarters, and General in the SS. The defendant RIBBENTROP used the foregoing positions, his personal influence, and his intimate connection with the Fuhrer in such a manner that: he promoted the accession to power of the Nazi conspirators as set forth in Count One of the Indictment; he promoted the preparations for war set forth in Count One of the Indictment; he participated in the political planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances as set forth in Counts One and Two of the Indictment; in accordance with the Fuhrer Principle he executed and assumed responsibility for the execution of the foreign policy plans of the Nazi conspirators set forth in Count One of the Indictment; and he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including more particularly the crimes against persons and property in occupied territories.

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H0003-0009

HESS:

The defendant HESS between 1921 and 1941 was a member of the Nazi Party, Deputy to the Fuhrer, Reich Minister without Portfolio, member of the Reichstag, member of the Council of Ministers for the Defence of the Reich, member of the Secret Cabinet Council, Successor Designate to the Fuhrer after the defendant Goring, a General in the SS and a General in the SA. The defendant HESS used the foregoing positions, his personal influence and his intimate connection with the Fuhrer in such a manner that: he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany set forth in Count One of the Indictment; he promoted the military, economic and psychological preparations for war set forth in Count One of the Indictment; he participated in the political planning and preparation for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment: he participated in the preparation and planning of foreign policy plans of the Nazi conspirators set forth in Count One of the Indictment; he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including a wide variety of crimes against persons and property.

KALTENBRUNNER:

The defendant KALTENBRUNNER between 1932-1945 was: a member of the Nazi Party, a General in the SS, a member of the Reichstag, a General of the Police, State Secretary for Security in Austria in charge of the Austrian Police, Police Leader of Vienna, Lower and Upper Austria, Head of the Reich Main Security Office and Chief of the Security Police and Security Service. The defendant KALTENBRUNNER used the foregoing positions and his personal influence in such a manner that: he promoted the consolidation of control over Austria seized by the Nazi conspirators as set forth in Count One of the Indictment; and he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment including particularly

H0003-0010

the Crimes against Humanity involved in the system of concentration camps.

ROSENBERG:

The defendant ROSENBERG between 1920 and 1945 was: a member of the Nazi Party, Nazi member of the Reichstag, Reichsleiter in the Nazi Party for Ideology and Foreign Policy, the Editor of the Nazi newspaper "Volkischer Beobachter", and the "NS Monatshefte", head of the Foreign Political Office of the Nazi Party, Special Delegate for the entire Spiritual and Ideological Training of the Nazi Party, Reich Minister for the Eastern Occupied Territories, organizer of the "Einsatzstab Rosenberg", a General in the SS and a General in the SA. The defendant ROSENBERG used the foregoing positions, his personal influence and his intimate connection with the Fuhrer in such a manner that: he developed, disseminated and exploited the doctrinal techniques of the Nazi conspirators set forth in Count One of the Indictment; he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany set forth in Count One of the Indictment; he promoted the psychological preparations for war set forth in Count One of the Indictment; he participated in the political planning and preparation for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; and he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including a wide variety of crimes against persons and property.

FRANK:

The defendant FRANK between 1932-1945 was: a member of the Nazi Party, a General in the SS, a member of the Reichstag, Reich Minister without Portfolio, Reich Commissar for the Coordination of Justice, President of the International Chamber of Law and Academy of German Law, Chief of the Civil Administration of Lodz, Supreme Administrative Chief of the military district of West Prussia, Poznan, Odz and Krakow and Governor General of the Occupied Polish territories. The defendant FRANK used the foregoing positions, his personal influence, and his

H0003-0011

intimate connection with the Fuhrer in such a manner that: he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany set forth in Count One of the Indictment; he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including particularly the War Crimes and Crimes against Humanity involved in the administration of occupied territories.

BORMANN:

The defendant BORMANN between 1925 and 1945 was: a member of the Nazi Party, member of the Reichstag, a member of the Staff of the Supreme Command of the SA, founder and head of "Hilfskasse der NSDAP", Reichsleiter, Chief of Staff Office of the Fuhrer's Deputy, head of the Party Chancery, Secretary of the Fuhrer, member of the Council of Ministers for the Defence of the Reich, organizer and head of the Volkssturm, a General in the SS and a General in the SA. The defendant BORMANN used the foregoing positions, his personal influence and his intimate connection with the Fuhrer in such a manner that: he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany set forth in Count One of the Indictment: he promoted the preparations for war set forth in Count One of the Indictment; and he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including a wide variety of crimes against persons and property.

FRICK:

The defendant FRICK between 1932-1945 was: a member of the Nazi Party, Reichsleiter, General in the SS, member of the Reichstag, Reich Minister of the Interior, Prussian Minister of the Interior, Reich Director of Elections, General Plenipotentiary for the Administration of the Reich, head of the Central Office for the Reunification of Austria and the German Reich, Director of the Central Office for the Incorporation of Sudetenland, Memel, Danzig, the eastern incorporated territories, Eupen, Malmedy, and Moresnot, Director of the Central Office for the Protectorate

H0003-0012

of Bohemia, Moravia, the Government General, Lower Styria, Upper Carinthia, Norway, Alsace, Lorraine and all other occupied territories and Reich Protector for Bohemia and Moravia. The defendant FRICK used the foregoing positions, his personal influence, and his intimate connection with the Fuhrer in such a manner that: he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany set forth in Count One of the Indictment; he participated in the planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Count One and Two of the Indictment; and he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including more particularly the crimes against persons and property in occupied territories.

LEY:

The defendant LEY between 1932-1945 was: a member of the Nazi Party, Reichsleiter, Nazi Party Organization Manager, member of the Reichstag, leader of the German Labor Front, a General in the SA, and Joint Organizer of the Central Inspection for the Care of Foreign Workers. The defendant LEY used the foregoing positions, his personal influence and his intimate connection with the Fuhrer in such a manner that: he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany as set forth in Count One of the Indictment; he promoted the preparation for war set forth in Count One of the Indictment; he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment, and in the Crimes against Humanity set forth in Count Four of the Indictment, including particularly the War Crimes and Crimes against Humanity relating to the abuse of human beings for labor in the conduct of the aggressive wars.

SAUCKEL:

The defendant SAUCKEL between 1921 and 1945 was: a member of the Nazi Party, Gauleiter and Reichsstatthalter of Thuringia, a member of the Reichstag, General Plenipotentiary for the Employment of Labour under the

H0003 - 0013

Four Year Plan, Joint Organizer with the defendant Ley of the Central Inspection for the Care of Foreign Workers, a General in the SS and a General in the SA. The defendant SAUCKEL used the foregoing positions and his personal influence in such a manner that: he promoted the accession to power of the Nazi conspirators set forth in Count One of the Indictment; he participated in the economic

H0003-0014

preparations for Wars of Aggression and Wars in Violation of Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including particularly the War Crimes and Crimes against Humanity involved in forcing the inhabitants of occupied countries to work as slave laborers in occupied countries and in Germany.

SPEER:

The defendant SPEER between 1932-1945 was: a member of the Nazi Party, Reichsleiter, member of the Reichstag, Reich Minister for Armament and Munitions, Chief of the Organization Todt, General Plenipotentiary for Armaments in the Office of the Four Year Plan, and Chairman of the Armaments Council. The defendant SPEER used the foregoing positions and his personal influence in such a manner that: he participated in the military and economic planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; and he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including more particularly the abuse and exploitation of human beings for forced labor in the conduct of aggressive war.

FUNK:

The defendant FUNK between 1932-1945 was: a member of the Nazi Party, Economic Adviser of Hitler, National Socialist Deputy to the Reichstag, Press Chief of the Reich Government, State Secretary of the Reich Ministry of Public Enlightenment and Propaganda, Reich Minister of Economics, Prussian Minister of Economics, President of the German Reichsbank, Plenipotentiary for Economy, and member of the Ministerial Council for the Defense of the Reich. The defendant FUNK used the foregoing

H0003 - 0015

positions, his personal influence, and his close connection with the Führer in such a manner that: he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany set forth in Count One of the Indictment; he promoted the preparations for war set forth in Count One of the Indictment; he participated in the military and economic planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; and he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including more particularly crimes against persons and property in connection with the economic exploitation of occupied territories.

SCHACHT:

The defendant SCHACHT between 1932-1945 was: a member of the Nazi Party, a member of the Reichstag, Reich Minister of Economics, Reich Minister without Portfolio and President of the German Reichsbank. The defendant SCHACHT used the foregoing positions, his personal influence, and his connection with the Führer in such a manner that: he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany set forth in Count One of the Indictment; he promoted the preparations for war set forth in Count One of the Indictment; and he participated in the military and economic plans and preparation of the Nazi conspirators for Wars of Aggression, and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment.

PAPEN:

The defendant PAPEN between 1932-1945 was: a member of the Nazi Party, a member of the Reichstag, Reich Chancellor, Vice Chancellor under Hitler, special Plenipotentiary for the Saar, negotiator of the Concordat with the Vatican, Ambassador in Vienna and Ambassador in Turkey. The

H0003 – 0016

defendant PAPEN used the foregoing positions, his personal influence and his close connection with the Führer in such manner that: he promoted the accession to power of the Nazi conspirators and participated in the consolidation of their control over Germany set forth in Count One of the Indictment; he promoted the preparations for war set forth in Count One of the Indictment; and he participated in the political planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment.

KRUPP:

The defendant KRUPP was between 1932-1945: head of Friedrich KRUPP A.G., a member of the General Economic Council, President of the Reich Union of German Industry, and head of the Group for Mining and Production of Iron and metals under the Reich Ministry of Economics. The defendant KRUPP used the foregoing positions, his personal influence, and his connection with the Führer in such a manner that: he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany set forth in Count One of the Indictment; he promoted the preparation for war set forth in Count One of the Indictment; he participated in the military and economic planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; and he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including more particularly the exploitation and abuse of human beings for labor in the conduct of aggressive wars.

NEURATH:

The defendant NEURATH between 1932-1945 was: a member of the Nazi Party, a General in the SS, a member of the Reichstag, Reich Minister, Reich Minister of Foreign Affairs, President of the Secret Cabinet Council, and Reich Protector for Bohemia and Moravia. The defendant

H0003-0017

NEURATH used the foregoing positions, his personal influence, and his close connection with the Führer in such a manner that: he promoted the accession to power of the Nazi conspirators set forth in Count One of the Indictment; he promoted the preparations for war set forth in Count One of the Indictment; he participated in the political planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; in accordance with the Führer Principle he executed, and assumed responsibility for the execution of the foreign policy plans of the Nazi conspirators set forth in Count One of the Indictment; and he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including particularly the crimes against persons and property in the occupied territories.

SCHIRACH:

The defendant SCHIRACH between 1924 and 1945 was: a member of the Nazi Party, a member of the Reichstag, Reich Youth Leader on the Staff of the SA Supreme Command, Reichsleiter in the Nazi Party for Youth Education, Leader of Youth of the German Reich, head of the Hitler Jugend, Reich Defence Commissioner and Reichstatthalter and Gauleiter of Vienna. The defendant SCHIRACH used the foregoing positions, his personal influence and his intimate connection with the Führer in such a manner that: he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany set forth in Count One of the Indictment; he promoted the psychological and educational preparations for war and the militarization of Nazi dominated organizations set forth in Count One of the Indictment; and he authorized, directed and participated in the Crimes against Humanity set forth in Count Four of the Indictment, including, particularly, anti-Jewish measures.

H0003-0018

SEYSS-INQUART:

The defendant SEYSS-INQUART between 1932-1945 was: a member of the Nazi Party, a General in the SS, State Councillor of Austria, Minister of the Interior and Security of Austria, Chancellor of Austria, a member of the Reichstag, a member of the Reich Cabinet, Reich Minister without Portfolio, Chief of the Civil Administration in South Poland, Deputy Governor-General of the Polish Occupied Territory, and Reich Commissar for the Occupied Netherlands. The defendant SEYSS-INQUART used the foregoing positions and his personal influence in such a manner that: he promoted the seizure and the consolidation of control over Austria by the Nazi conspirators set forth in Count One of the Indictment; he participated in the political planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; and he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including a wide variety of crimes against persons and property.

STREICHER:

The defendant STREICHER between 1932-1945 was: a member of the Nazi Party, a member of the Reichstag, a General in the SA, Gauleiter of Franconia, Editor in Chief of the anit-Semitic newspaper "Der Stürmer". The defendant STREICHER used the foregoing positions, his personal influence, and his close connection with the Führer in such a manner that: he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany set forth in Count One of the Indictment: he authorized, directed and participated in the Crimes against Humanity set forth in Count Four of the Indictment, including particularly the incitement of the persecution of the Jews set forth in Count One and Count Four of the Indictment.

H0003 – 0019

KEITEL:

The defendant KEITEL between 1938 and 1945 was: Chief of the High Command of the German Armed Forces, member of the Secret Cabinet Council, member of the Council of Ministers for the Defence of the Reich, and Field Marshal. The defendant KEITEL used the foregoing positions, his personal influence and his intimate connection with the Führer in such a manner that: he promoted the military preparations for war set forth in Count One of the Indictment; he participated in the political planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; he executed and assumed responsibility for the execution of the plans of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including particularly the War Crimes and Crimes against Humanity involved in the ill treatment of prisoners of war and of the civilian population of occupied territories.

JODL:

The defendant JODL between 1932 and 1945 was: Lt. Colonel, Army Operations Department of the Wehrmacht, Colonel, Chief of OKW Operations Department, Major-General and Chief of Staff OKW and Colonel-General. The defendant JODL used the foregoing positions, his personal influence, and his close connection with the Führer in such a manner that: he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany set forth in Count One of the Indictment; he promoted the preparations for war set forth in Count One of the Indictment; he participated in the military planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; and he authorised, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including a wide variety of crimes against persons and property. 95

H0003 - 0020

RAEDER:

The defendant RAEDER between 1928 and 1945 was: Commander-in-Chief of the German Navy, Generaladmiral, Grossadmiral, Admiralinspekteur of theGerman Navy, and a member of the Secret Cabinet Council. The defendant RAEDER used the foregoing positions and his personal influence in such a manner that: he promoted the preparations for war set forth in Count One of the Indictment; he participated in the political planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; he executed, and assumed responsibility for the execution of the plans of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; and he authorized, directed and participated in the war crimes set forth in Count Three of the Indictment, including particularly war crimes arising out of sea warfare.

DÖNITZ:

The defendant DÖNITZ between 1932 and 1945 was: Commanding Officer of the Weddigen U-boat flotilla, Commander-in-Chief of the U-boat arm, Vice-Admiral, Admiral, Grossadmiral and Commander-in-Chief of the German Navy, Advisor to Hitler, and Successor to Hitler as head of the German government. The defendant DÖNITZ used the foregoing positions, his personal influence, and his intimate connection with the Führer in such a manner that: he promoted the preparations for war set forth in Count One of the Indictment; he participated in the military planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; and he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment, including particularly the crimes against persons and property on the high seas.

H0003 - 0021

FRITZSCHE:

The defendant FRITZSCHE between 1933 and 1945 was: a member of the Nazi Party, Editor-in-Chief of the official German news agency, "Deutsche Nachrichten Büro", Head of the Wireless News Service and of the Home Press Division of the Reich Ministry of Propaganda, Ministerialdirektor of the Reich Ministry of Propaganda, head of the Radio Division of the Propaganda Department of the Nazi Party, and Plenipotentiary for the Political Organization of the Greater German Radio. The defendant FRITZSCHE used the foregoing positions and his personal influence to disseminate and exploit the principal doctrines of the Nazi conspirators set forth in Count One of the Indictment, and to advocate, encourage and incite the commission of the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment including, particularly, anti-Jewish measures and the ruthless exploitation of occupied territories.

H0003-0022

APPENDIX B

Statement of Criminality of Groups and Organizations

The statements hereinafter set forth, following the name of each Group or Organization named in the Indictment as one which should be declared criminal, constitute matters upon which the prosecution will rely inter alia as establishing the criminality of the Group or Organization:

DIE REICHSREGIERUNG (REICH CABINET)

"Die Reichsregierung (Reich Cabinet)" referred to in the Indictment consists of persons who were:

(i) Members of the ordinary cabinet after 30 January 1933, the date on which Hitler became Chancellor of the German Republic. The term "ordinary cabinet" as used herein means the Reich Ministers, i.e., heads of departments of the central government; Reich Ministers without portfolio; State ministers acting as Reich Ministers; and other officials entitled to take part in meetings of this cabinet.

(ii) Members of der Ministerrat für die Reichsverteidigung (Council of Ministers for the Defence of the Reich).

(iii) Members of der Geheimer Kabinettsrat (Secret Cabinet Council).

Under the Führer, these persons functioning in the foregoing capacities and in association as a group, possessed and exercised legislative, executive, administrative and political powers and functions of a very high order in the system of German government. Accordingly, they are charged with responsibility for the policies adopted and put into effect by the government including those which comprehended and involved the commission of the crimes referred to in Counts One, Two, Three and Four of the Indictment.

DAS KORPS DER POLITISCHEN LEITER DER NATIONALSOZIALISTISCHEN DEUTSCHEN ARBEITERPARTEI (LEADERSHIP CORPS OF THE NAZI PARTY)

"Das Korps der Politischen Leiter der Nationalsozialistischen

H0003-0023

Deutschen Arbeiterpartei (Leadership Corps of the Nazi Party)" referred to in the Indictment consists of persons who were at any time, according to common Nazi terminology, "Politische Leiter" (Political Leaders) of any grade or rank.

The Politischen Leiter comprised the leaders of the various functional offices of the Party (for example, the Reichsleitung or Party Reich Directorate, and the Gauleitung, or Party Gau Directorate), as well as the territorial leaders of the Party (for example, the Gauleiter).

The Politischen Leiter were a distinctive and élite group within the Nazi Party proper and as such were vested with special prerogatives. They were organized according to the leadership principle and were charged with planning, developing and imposing upon their followers the policies of the Nazi Party. Thus the territorial leaders among them were called Hoheitsträger, or bearers of sovereignty, and were entitled to call upon and utilize the various Party formations when necessary for the execution of Party policies.

Reference is hereby made to the allegations in Count One of the Indictment showing that the Nazi Party was the central core of the common plan or conspiracy therein set forth. The Politischen Leiter, as a major power within the Nazi Party proper, and functioning in the capacities above described and in association as a group, joined in the common plan or conspiracy, and accordingly share responsibility for the crimes set forth in Counts One, Two, Three and Four of the Indictment.

The prosecution expressly reserves the right to request, at any time before sentence is pronounced, that Politische Leiter of subordinate grades or ranks or of other types or classes, to be specified by the prosecution, be excepted from further proceedings in this Case No. 1, but without prejudice to other proceedings or actions against them.

DIE SCHUTZSTAFFELN DER NATIONALSOZIALISTISCHEN DEUTSCHEN ARBEITERPARTEI (COMMONLY KNOWN AS THE SS) INCLUDING DIE SICHERHEITSDIENST (COMMONLY KNOWN AS THE SD)

"Die Schutzstaffeln der Nationalsozialistischen Deutschen

H0003-0024

Arbeiterpartei (commonly known as the SS) including Die Sicherheitsdienst (commonly known as the SD)" referred to in the Indictment consists of the entire corps of the SS and all offices, departments, services, agencies, branches, formations, organizations and groups of which it was at any time comprised or which were at any time integrated in it, including but not limited to, the Allgemeine SS, the Waffen SS, the SS Totenkopf Verbände, SS Polizei Regimente and the Sicherheitsdienst des Reichsführers - SS (commonly known as the SD).

The SS, originally established by Hitler in 1925 as an élite section of the SA to furnish a protective guard for the Führer and Nazi Party leaders, became an independent formation of the Nazi Party in 1934 under the leadership of the Reichsführer-SS, Heinrich Himmler. It was composed of voluntary members, selected in accordance with Nazi biological, racial and political theories, completely indoctrinated in Nazi ideology and pledged to uncompromising obedience to the Führer. After the accession of the Nazi conspirators to power, it developed many departments, agencies, formations and branches and extended its influence and control over numerous fields of governmental and Party activity. Through Heinrich Himmler, as Reichsführer-SS and Chief of the German Police, agencies and units of the SS and of the Reich were joined in operation to form a unified repressive police force. The Sicherheitsdienst des Reichsführers-SS (commonly known as the SD), a department of the SS, was developed into a vast espionage and counter-intelligence system which operated in conjunction with the Gestapo and criminal police in detecting, suppressing and eliminating tendencies, groups and individuals deemed hostile or potentially hostile to the Nazi Party, its leaders, principles and objectives, and eventually was combined with the Gestapo and criminal police in a single security police department, the Reich Main Security Office.

Other branches of the SS developed into an armed force and served in the wars of aggression referred to in Counts One and Two of the Indictment. Through other departments and branches the SS controlled the administration

H0003-0025

of concentration camps and the execution of Nazi racial, biological and resettlement policies. Through its numerous functions and activities it served as the instrument for insuring the domination of Nazi ideology and protecting and extending the Nazi regime over Germany and occupied territories. It thus participated in and is responsible for the crimes referred to in Counts One, Two, Three and Four of the Indictment.

DIE GEHEIME STAATSPOLIZEI (SECRET STATE POLICE, COMMONLY KNOWN AS THE GESTAPO)

"Die Geheime Staatspolizei (Secret State Police, commonly known as the Gestapo)" referred to in the Indictment consists of the headquarters, departments, offices, branches and all the forces and personnel of the Geheime Staatspolizei organized or existing at any time after 30 January 1933, including the Geheime Staatspolizei of Prussia and equivalent secret or political police forces of the Reich and the components thereof.

The Gestapo was created by the Nazi conspirators immediately after their accession to power, first in Prussia by the defendant GÖRING and shortly thereafter in all other states in the Reich. These separate secret and political police forces were developed into a centralized, uniform organization operating through a central headquarters and through a network of regional offices in Germany and in occupied territories. Its officials and operatives were selected on the basis of unconditional acceptance of Nazi ideology, were largely drawn from members of the SS, and were trained in SS and SD schools. It acted to suppress and eliminate tendencies, groups and individuals deemed hostile or potentially hostile to the Nazi Party, its leaders, principles and objectives, and to repress resistance and potential resistance to German control in occupied territories. In performing these functions its operated free from legal control, taking any measures it deemed necessary for the accomplishment of its missions.

H0003-0026

Through its purposes, activities and the means it used, it participated in and is responsible for the commission of the crimes set forth in Counts One, Two, Three and Four of the Indictment.

DIE STURMABTEILUNGEN DER NATIONALSOZIALISTISCHEN DEUTSCHEN ARBEITERPARTEI (COMMONLY KNOWN AS THE SA)

"Die Sturmabteilungen der Nationalsozialistischen Deutschen Arbeiterpartei (commonly known as the SA)" referred to in the Indictment was a formation of the Nazi Party under the immediate jurisidiction of the Führer, organized on military lines, whose membership was composed of volunteers serving as political soldiers of the Party. It was one of the earliest formations of the Nazi Party and the original guardian of the National Socialist movement. Founded in 1921 as a voluntary militant formation, it was developed by the Nazi conspirators before their accession to power into a vast private army and utilized for the purpose of creating disorder, and terrorizing and eliminating political opponents. It continued to serve as an instrument for the physical, ideological and military training of Party members and as a reserve for the German armed forces. After the launching of the wars of aggression, referred to in Counts One and Two of the Indictment, the SA not only operated as an organization for military training but provided auxiliary police and security forces in occupied territories, guarded prisoner-of-war camps and concentration camps and supervised and controlled persons forced to labour in Germany and occupied territories.

Through its purposes and activities and the means it used, it participated in and is responsible for the commission of the crimes set forth in Counts One, Two, Three and Four of the Indictment.

GENERAL STAFF AND HIGH COMMAND OF THER GERMAN ARMED FORCES

The "General Staff and High Command of the German Armed Forces" referred to in the Indictment consist of those individuals who between February 1938 and May 1945 were the highest commanders of the Wehrmacht, the Army, the Navy, and the Air Forces. The individuals comprising this group are the persons who held the following appointments:

Oberbefehlshaber der Kriegsmarine (Commander in Chief of the Navy)

Chef (and, formerly, Chef des Stabes) der Seekriegsleitung (Chief of Naval War Staff)

H0003-0027

Oberbefehlshaber des Heeres (Commander in Chief of the Army)

Chef des Generalstabes des Heeres (Chief of the General Staff of the Army)

Oberbefehlshaber der Luftwaffe (Commander in Chief of the Air Force)

Chef des Generalstabes der Luftwaffe (Chief of the General Staff of the Air Force)

Chef des Oberkommandos der Wehrmacht (Chief of the High Command of the Armed Forces)

Chef des Fuehrungstabes des Oberkommandos der Wehrmacht (Chief of the Operations Staff of the High Command of the Armed Forces)

Stellvertretender Chef des Fuehrungstabes des Oberkommandos der Wehrmacht (Deputy Chief of the Operations Staff of the High Command of the Armed Forces)

Commanders-in-Chief in the field, with the status of Oberbefehlshaber, of the Wehrmacht, Navy, Army, Air Force.

Functioning in such capacities and in association as a group at the highest level in the German Armed Forces Organization, these persons had a major responsibility for the planning, preparation, initiation and waging of illegal wars as set forth in Counts One and Two of the Indictment and for the War Crimes and Crimes against Humanity involved in the execution of the common plan or conspiracy set forth in Counts Three and Four of the Indictment.

SIR DAVID MAXWELL FYFE:

"APPENDIX C

"Charges and Particulars of Violations of International Treaties, Agreements and Assurances Caused by the Defendants in the Course of Planning, Preparing and Initiating the Wars

I

CHARGE: Violation of the Convention for the Pacific Settlement of International Disputes signed at The Hague, 29 July 1899.

PARTICULARS: In that Germany did, by force and arms, on the dates specified in Column 1, invade the territory of the sovereigns specified in Column 2, respectively, without first having attempted to settle its disputes with said sovereigns by pacific means.

Column 1	Column 2
6 April 1941	Kingdom of Greece
6 April 1941	Kingdom of Yugoslavia

II

CHARGE: Violation of the Convention for the Pacific Settlement of Inter-

H0003--0028

national Disputes signed at The Hague, 18 October 1907.

PARTICULARS: In that Germany did, on or about the dates specified in Column 1, by force of arms invade the territory of the sovereigns specified in Column 2, respectively, without having first attempted to settle its dispute with said sovereigns by pacific means.

Column 1	Column 2
1 September 1939	Republic of Poland
9 April 1940	Kingdom of Norway
9 April 1940	Kingdom of Denmark
10 May 1940	Grand-Duchy of Luxembourg
10 May 1940	Kingdom of Belgium
10 May 1940	Kingdom of the Netherlands
22 June 1941	Union of Soviet Socialist Republics

III

CHARGE: Violation of Hague Convention III Relative to the Opening of Hostilities, signed 18 October 1907.

PARTICULARS: In that Germany did, on or about the dates specified in Column 1, commence hostilities against the countries specified in Column 2, respectively, without previous warning in the form of a reasoned declaration of war or an ultimatum with conditional declaration of war.

Column 1	Column 2
1 September 1939	Republic of Poland
9 April 1940	Kingdom of Norway
9 April 1940	Kingdom of Denmark
10 May 1940	Kingdom of Belgium
10 May 1940	Kingdom of the Netherlands
10 May 1940	Grand-Duchy of Luxembourg
22 June 1941	Union of Soviet Socialist Republics

IV

CHARGE: Violation of Hague Convention V Respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land, signed October 18 1907.

PARTICULARS: In that Germany did, on or about the dates specified in

H0003 - 0029

Column 1, by force and arms of its military forces, cross into, invade, and occupy the territories of the sovereigns specified in Column 2, respectively, then and thereby violating the neutrality of said sovereigns.

Column 1	Column 2
9 April 1940	Kingdom of Norway
9 April 1940	Kingdom of Denmark
10 May 1940	Grand-Duchy of Luxembourg
10 May 1940	Kingdom of Belgium
10 May 1940	Kingdom of the Netherlands
22 June 1941	Union of Soviet Socialist Republics

V

CHARGE: Violation of the Treaty of Peace between the Allied and Associated Powers and Germany, signed at Versailles, 28 June 1919, known as the Versailles Treaty.

PARTICULARS: (1) In that Germany did, on and after 7 March 1936, maintain and assemble armed forces and maintain and construct military fortifications in the demilitarized zone of the Rhineland in violation of the provisions of Articles 42 to 44 of the Treaty of Versailles.

(2) In that Germany did, on or about 13 March 1938, annex Austria into the German Reich in violation of the provisions of Article 80 of the Treaty of Versailles.

(3) In that Germany did, on or about 22 March 1939, incorporate the district of Memel into the German Reich in violation of the provisions of Article 99 of the Treaty of Versailles.

(4) In that Germany did, on or about 1 September 1939, incorporate the Free City of Danzig into the German Reich in violation of the provisions of Article 100 of the Treaty of Versailles.

(5) In that Germany did, on or about 16 March 1939, incorporate the provinces of Bohemia and Moravia, formerly part of Czechoslovakia, into the German Reich in violation of the provisions of Article 81 of the Treaty of Versailles.

(6) In that Germany did, at various times in March 1935 and thereafter, repudiate various parts of Part V, Military, Naval and Air Clauses of the Treaty

H0003 – 0030

of Versailles, by creating an air force, by use of compulsory military service, by increasing the size of the army beyond treaty limits, and by increasing the size of the navy beyond treaty limits.

VI

CHARGE: Violation of the Treaty between the United States and Germany Restoring Friendly Relations, signed at Berlin, 25 August 1921.

PARTICULARS: In that Germany did, at various times in March 1935 and thereafter, repudiate various parts of Part V, Military, Naval and Air Clauses of the Treaty Between the United States and Germany Restoring Friendly Relations by creating an air force, by use of compulsory military service, by increasing the size of the army beyond treaty limits, and by increasing the size of the navy beyond treaty limits.

VII

CHARGE: Violation of the Treaty of Mutual Guarantee between Germany, Belgium, France, Great Britain and Italy, done at Locarno, 16 October 1925.

PARTICULARS: (1) In that Germany did, on or about 7 March 1936, unlawfully send armed forces into the Rhineland demilitarized zone of Germany, in violation of Article I of the Treaty of Mutual Guarantee.

(2) In that Germany did, in or about March 1936, and thereafter, unlawfully maintain armed forces in the Rhineland demilitarized zone of Germany, in violation of Article I of the Treaty of Mutual Guarantee.

(3) In that Germany did, on or about 7 March 1936, and thereafter, unlawfully construct and maintain fortifications in the Rhineland demilitarized zone of Germany, in violation of Article I of the Treaty of Mutual Guarantee.

(4) In that Germany did, on or about 10 May 1940, unlawfully attack and invade Belgium, in violation of Article 2 of the Treat of Mutual Guarantee.

(5) In that Germany did, on or about 10 May 1940, unlawfully attack and invade Belgium, without first having attempted to settle its dispute with Belgium by peaceful means, in violation of Article 3 of the Treaty of Mutual Guarantee.

VIII

CHARGE: Violation of the Arbitration Treaty between Germany and Czechoslovakia, done at Locarno, 16 October 1925.

H0003-0031

PARTICULARS: In that Germany did, on or about 15 March 1939, unlawfully by duress and threats of military might force Czechoslovakia to deliver the destiny of Czechoslovakia and its inhabitants into the hands of the Fuehrer and Reichschancellor of Germany without having attempted to settle its dispute with Czechoslovakia by peaceful means.

IX

CHARGE: Violation of the Arbitration Convention between Germany and Belgium, done at Locarno, 16 October 1925.

PARTICULARS: In that Germany did, on or about 10 May 1940, unlawfully attack and invade Belgium without first having attempted to settle its dispute with Belgium by peaceful means.

X

CHARGE: Violation of the Arbitration Treaty between Germany and Poland, done at Locarno, 16 October 1925.

PARTICULARS: In that Germany did, on or about 1 September 1939, unlawfully attack and invade Poland without first having attempted to settle its dispute with Poland by peaceful means.

XI

CHARGE: Violation of Convention of Arbitration and Conciliation entered into between Germany and the Netherlands on 20 May 1926.

PARTICULARS: In that Germany, without warning, and notwithstanding its solemn covenant to settle by peaceful means all disputes of any nature whatever which might arise between it and the Netherlands which were not capable of settlement by diplomacy and which had not been referred by mutual agreement to the Permanent Court of International Justice, did, on or about 10 May 1940, with a Military force, attack, invade, and occupy the Netherlands, thereby violating its neutrality and territorial integrity and destroying its sovereign independence.

H0003-0032

XII

CHARGE: Violation of Convention of Arbitration and Conciliation entered into between Germany and Denmark on 2 June 1926.

PARTICULARS: In that Germany, without warning, and notwithstanding its solemn covenant to settle by peaceful means all disputes of any nature whatever which might arise between it and Denmark which were not capable of settlement by diplomacy and which had not been referred by mutual agreement to the Permanent Court of International Justice, did, on or about 9 April, 1940, with a Military Force, attack, invade, and occupy Denmark, thereby violating its neutrality and territorial integrity and destroying its sovereign independence.

XIII

CHARGE: Violation of Treaty between Germany and other Powers providing for Renunciation of War as an Instrument of National Policy, signed at Paris 27 August 1928, known as the Kellogg-Briand Pact.

PARTICULARS: In that Germany did, on or about the dates specified in Column I, with a military force, attack the sovereigns specified in Column 2, respectively, and resort to war against such sovereigns, in violation of its solemn declaration condemning recourse to war for the solution of international controversies, its solemn renunciation of war as an instrument of national policy in its relations with such sovereigns, and its solemn covenant that settlement or solution of all disputes or conflicts of whatever nature or origin arising between it and such sovereigns should never be sought except by pacific means.

Column 1	Column 2
1 September 1939	Republic of Poland
9 April 1940	Kingdom of Norway
9 April 1940	Kingdom of Denmark

H0003-0033

10 May 1940	Kingdom of Belgium
10 May 1940	Grand Duchy of Luxembourg
10 May 1940	Kingdom of the Netherlands
6 April 1941	Kingdom of Greece
6 April 1941	Kingdom of Yugoslavia
22 June 1941	Union of Soviet Socialist Republics
11 December 1941	United States of America

XIV

CHARGE: Violation of Treaty of Arbitration and Conciliation entered into between Germany and Luxembourg on 11 September 1929.

PARTICULARS: In that Germany, without warning, and notwithstanding its solemn covenant to settle by peaceful means all disputes which might arise between it and Luxembourg which were not capable of settlement by diplomacy, did, on or about 10 May 1940, with a military force, attack, invade, and occupy Luxembourg, thereby violating its neutrality and territorial integrity and destroying its sovereign independence.

XV

CHARGE: Violation of the Declaration of Non-Aggression entered into between Germany and Poland on 26 January, 1934.

PARTICULARS: In that Germany proceeding to the application of force for the purpose of reaching a decision did, on or about 1 September 1939, at various places along the German-Polish frontier employ military forces to attack, invade and commit other acts of aggression against Poland.

XVI

CHARGE: Violation of German Assurance given on 21 May 1935 that the Inviolability and Integrity of the Federal State of Austria would be Recognized.

H0003-0034

PARTICULARS: In that Germany did, on or about 12 March 1938, at various points and places along the German-Austria frontier, with a military force and in violation of its solemn declaration and assurance, invade and annex to Germany the territory of the Federal State of Austria.

XVII

CHARGE: Violation of Austro-German Agreement of 11 July 1936.

PARTICULARS: In that Germany during the period from 12 February 1938 to 13 March 1938 did by duress and various aggressive acts, including the use of military force, cause the Federal State of Austria to yield up its sovereignty to the German State in violation of Germany's agreement to recognize the full sovereignty of the Federal State of Austria.

XVIII

CHARGE: Violation of German Assurances given on 30 January 1937, 28 April 1939, 26 August 1939 and 6 October 1939 to Respect the Neutrality and Territorial Inviolability of the Netherlands.

PARTICULARS: In that Germany, without warning, and without recourse to peaceful means of settling any considered differences did, on or about 10 May 1940, with a military force and in violation of its solemn assurances, invade, occupy, and attempt to subjugate the sovereign territory of the Netherlands.

XIX

CHARGE: Violation of German Assurances given on 30 January 1937, 13 October 1937, 28 April 1939, 26 August 1939 and 6 October 1939 to Respect the Neutrality and Territorial Integrity and Inviolability of Belgium.

PARTICULARS: In that Germany, without warning, did on or about 10 May 1940, with a military force and in violation of its solemn assurances and declarations, attack, invade, and occupy the sovereign territory of Belgium.

H0003-0035

XX

CHARGE: Violation of Assurances given on 11 March 1938 and 26 September 1938 to Czechoslovakia.

PARTICULARS: In that Germany, on or about 15 March 1939 did, by establishing a Protectorate of Bohemia and Moravia under duress and by the threat of force, violate the assurance given on 11 March 1938 to respect the territorial integrity of the Czechoslovak Republic and the assurance given on 26 September 1938 that, if the so-called Sudeten territories were ceded to Germany, no further German territorial claims on Czechoslovakia would be made.

XXI

CHARGE: Violation of the Munich Agreement and Annexes of 29 September 1938.

PARTICULARS: (1) In that Germany on or about 15 March 1939, did by duress and the threat of military intervention force the Republic of Czechoslovakia to deliver the destiny of the Czech people and country into the hands of the Fuehrer of the German Reich.

(2) In that Germany refused and failed to join in an international guarantee of the new boundaries of the Czechoslovakia state as provided for in Annex No. 1 to the Munich Agreement.

XXII

CHARGE: Violation of the Solemn Assurances of Germany given on 3 September 1939, 28 April 1939 and 6 October 1939 that they would not Violate the Independence or Sovereignty of the Kingdom of Norway.

PARTICULARS: In that Germany, without warning did, on or about 9 April 1940, with its military and naval forces attack, invade and commit other acts of aggression against the Kingdom of Norway.

H0003-0036

XXIII

CHARGE: Violation of German Assurances given on 28 April 1939 and 26 August 1939 to Respect the Neutrality and Territorial Inviolability of Luxembourg.

PARTICULARS: In that Germany, without warning, and without recourse to peaceful means of settling any considered differences, did, on or about 10 May 1940, with a military force and in violation of the solemn assurances, invade, occupy, and absorb into Germany the sovereign territory of Luxembourg.

XXIV

CHARGE: Violation of the Treaty of Non-Aggression between Germany and Denmark signed at Berlin 31 May 1939.

PARTICULARS: In that Germany without prior warning, did, on or about 9 April 1940, with its military forces, attack, invade and commit other acts of aggression against the Kingdom of Denmark.

XXV

CHARGE: Violation of Treaty of Non-Aggression entered into between Germany and U.S.S.R. on 23 August 1939.

PARTICULARS: (1) In that Germany did, on or about 22 June 1941, employ military forces to attack and commit acts of aggression against the U.S.S.R.

(2) In that Germany without warning or recourse to a friendly exchange of views or arbitration did, on or about 22 June 1941, employ military forces to attack and commit acts of aggression against the U.S.S.R.

XXVI

CHARGE: Violation of German Assurance given on 6 October 1939 to Respect the Neutrality and Territorial Integrity of Yugoslavia.

PARTICULARS: In that Germany without prior warning did, on or about 6 April 1941, with its military forces

H0003-0037

attack, invade and commit other acts of aggression against the Kingdom of Yugoslavia.

THE PRESIDENT: The Tribunal will now adjourn until 10 o'clock tomorrow morning.

(Whereupon, at 1705 hours the hearing of the Tribunal adjourned to reconvene on 21 November 1945, at 1000 hours.)

File copy

OFFICIAL TRANSCRIPT

of the

INTERNATIONAL MILITARY TRIBUNAL
in the matter of:
The United States of America, The French Republic, The United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Herman Wilhelm Goering, et al, Defendants, sitting at Nurnberg, Germany, on 20 November 1945, 1400-1630, Lord Justice Lawrence, presiding.

THE PRESIDENT: Will the Chief Prosecutor for the French Republic continue the reading of the indictment.

CHIEF FRENCH PROSECUTOR: "(I) FORCING CIVILIANS OF OCCUPIED TERRITORIES TO SWEAR ALLEGIANCE TO A HOSTILE POWER.

"Civilians who joined the Speer Legion, as set forth in paragraph (H) above, were required, under threat of depriving them of food, money and identity papers, to swear a solemn oath acknowledging unconditional obedience to Adolph Hitler, the Fuhrer of Germany, which was to them a hostile power.

"In Lorraine, Civil Servants were obliged, in order to retain their positions, to sign a declaration by which they acknowledged the 'return of their country to the Reich', pledged themselves to obey without reservation the orders of their Chiefs and put themselves 'at the active service of the Fuhrer and the Great National Socialist Germany'.

"A similar pledge was imposed on Alsatian Civil Servants by threat of deportation or internment.

"These acts violated Article 45 of the Hague Regulations, 1907, the laws and customs of war, the general principles of international law and Article 6 (b) of the Charter.

"(J) GERMANISATION OF OCCUPIED TERRITORIES

"In certain occupied territories purportedly annexed to Germany the defendants methodically and pursuant to plan endeavoured to assimilate those territories politically, culturally, socially and economically into the German Reich. The defendants endeavoured to obliterate the former national character of these territories. In pursuance of these

H0003 - 0039

plans and endeavours, the defendants forcibly deported inhabitants who were predominantly non-German and introduced thousands of German colonists.

"This plan included economic domination, physical conquest, installation of puppet Governments, purported de jure annexation and enforced conscription into the German Armed Forces.

"This was carried out in most of the Occupied Countries including: Norway, France (particularly in the departments of Upper Rhine, Lower Rhine, Moselle), Ardennes, Aisne, Nord, Meurthe and Moselle, Luxembourg, the Soviet Union, Denmark, Belgium, Holland.

"In France in the Departments of the Aisne, the Nord, the Meurthe and Moselle, and especially in that of the Ardennes, rural properties were seized by a German state organization which tried to have them exploited under German direction; the landowners of these exploitations were dispossessed and turned into agricultural labourers.

"In the Department of the Upper Rhine, the Lower Rhine and the Moselle, the methods of Germanisation were those of annexation followed by conscription.

"1. From the month of August, 1940, officials who refused to take the oath of allegiance to the Reich were expelled. On September 21st expulsions and deportation of populations began and on November 22nd, 1940, more than 70,000 Lorrainers or Alsacians were driven into the South zone of France. From July 31, 1941, onwards, more than 100,000 persons were deported into the Eastern regions of the Reich or to Poland. All the Property of the deportees or expelled persons was confiscated. At the same time, 80,000 Germans coming from the Saar or from Westphalia were installed in Lorraine and 2,000 farms belonging to French people were transferred to Germans.

"2. From 2nd January, 1942, all the young people of the Departments of the Upper Rhine and the Lower Rhine, aged from 10 to 18 years, were incorporated in the Hitler Youth. The same thing was done in the Moselle from 4th August, 1942. From 1940, all the French schools

H0003-0040

were closed, their staffs expelled, and the German school system was introduced in the three departments.

"3. On the 28th of September, 1940, an order applicable to the Department of the Moselle ordained the Germanisation of all the surnames and christian names which were French in form. The same thing was done from the 15th January, 1943, in the Departments of the Upper Rhine and the Lower Rhine.

"4. Two orders from the 23rd to 24th August, 1942, imposed by force German nationality on French citizens.

"5. On the 8th May, 1941, for the Upper Rhine and the Lower Rhine, the 23rd April, 1941, for the Moselle, orders were promulgated enforcing compulsory labour service on all French citizens of either sex aged from 17 to 25 years. From the 1st January, 1942, for young men and from the 26th January, 1942, for young girls, national labour service was effectively organized in the Moselle. It was from the 27th August, 1942, in the Upper Rhine and in the Lower Rhine for young men only. The classes 1940, 1941, 1942 were called up.

"6. These classes were retained in the Wehrmacht on the expiration of their time and labour service. On the 19th August, 1942, an order instituted compulsory military service in the Moselle. On the 25th August, 1942, the classes 1940-1944 were called up in three Departments. Conscription was enforced by the German authorities in conformity with the provisions of German legislation. The first revision boards took place from the 3rd September, 1942. Later in the Upper Rhine and the Lower Rhine new levies were effected everywhere on classes 1928 to 1939 inclusive. The French people who refused to obey these laws were considered as deserters and their families were deported, while their property was confiscated.

H0005 - 0040

I now offer to the Court the document book, which contains the laws referred to, with respect to the persecution of the Jews, and the brief outlining that subject.

THE PRESIDENT: The Tribunal will now adjourn until 10 o'clock tomorrow morning.

(Whereupon, at 4:30 o'clock p.m. the Tribunal adjourned until 10 o'clock the following day.)

H0003-0041

"These acts violated Articles 43, 46, 55 and 56 of the Hague Regulations, 1907, the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the internal penal laws of the countries in which such crimes were committed and Article 6(b) of the Charter.

"IX. Individual, group and organization responsibility for the offense stated in Count Three

"Reference is hereby made to Appendix A of this Indictment for a statement of the responsibility of the individual defendants for the offense set forth in this Count Three of the Indictment. Reference is hereby made to Appendix B of this Indictment for a statement of the responsibility of the groups and organizations named herein as criminal groups and organizations for the offense set forth in this Count Three of the Indictment.

THE PRESIDENT: I will now call upon the Chief Prosecutor for the Soviet Union.

CHIEF RUSSIAN PROSECUTOR: "Count Three - WAR CRIMES.

"All the defendants committed War Crimes between 1st September, 1939, and 8th May 1945, in Germany and in all those countries and territories occupied by the German armed forces since 1st September, 1939, and in Austria, Czechoslovakia and Italy, and on the High Seas.

"All the defendants, acting in concert with others, formulated and executed a common plan or conspiracy to commit War Crimes as defined in Article 6 (b) of the Charter. This plan involved, among other things, the practice of 'total war' including methods of combat and of military occupation in direct conflict with the laws and customs of war, and the commission of crimes perpetrated on the field of battle during encounters with enemy armies, and against prisoners of war, and in occupied territories against the civilian population of such territories.

"The said War Crimes were committed by the defendants and by other persons for whose acts the defendants are responsible (under Article 6 of the Charter) as such other persons when committing the said War Crimes performed their acts in execution of a common plan and conspiracy

H0003-0042

to commit the said War Crimes, in the formulation and execution of which plan and conspiracy all the defendants participated as leaders, organizers, instigators and accomplices.

"These methods and crimes constituted violations of international conventions, of internal penal laws and of the general principles of criminal law as derived from the criminal law of all civilized nations, and were involved in and part of a systematic course of conduct.

(A) MURDER AND ILLTREATMENT OF CIVILIAN POPULATIONS OF OR IN OCCUPIED TERRITORY AND ON THE HIGH SEAS.

"Throughout the period of their occupation of territories overrun by their armed forces the defendants, for the purpose of systematically terrorizing the inhabitants, murdered and tortured civilians, and ill-treated them, and imprisoned them without legal process.

"The murders and illtreatment were carried out by divers means, including shooting, hanging, gassing, starvation, gross over-crowding, systematic under-nutrition, systematic imposition of labour tasks beyond the strength of those ordered to carry them out, inadequate provision of surgical and medical services, kickings, beatings, brutality and torture of all kinds, including the use of hot irons and pulling out of fingernails and the performance of experiments by means of operations and otherwise on living human subjects. In some occupied territories the defendants interfered with religious services, persecuted members of the clergy and monastic orders, and expropriated church property. They conducted deliberate and systematic genocide, viz., the extermination of racial and national groups, against the civilian populations of certain occupied territories in order to destroy particular races and classes of people and national, racial or religious groups, particularly Jews, Poles and Gypsies and others.

"Civilians were systematically subjected to tortures of all kinds, with the object of obtaining information.

"Civilians of occupied countries were subjected systematically to 'protective arrests' whereby they were arrested and imprisoned without

H0003-0043

any trial and any of the ordinary protections of the law, and they were imprisoned under the most unhealthy and inhumane conditions.

"In the concentration camps were many prisoners who were classified 'Nacht und Nebel.' These were entirely cut off from the world and were allowed neither to receive nor to send letters. They disappeared without trace and no announcement of their fate was ever made by the German authorities.

"Such murders and illtreatment were contrary to International Conventions, in particular to Article 46 of the Hague Regulations, 1907, the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the internal penal laws of the countries in which such crimes were committed, and to Article 6(b) of the Charter.

The following particulars and all the particulars appearing later in this count are set out herein by way of example only, are not exclusive of other particular cases, and are stated without prejudice to the right of the prosecution to adduce evidence of other cases of murder and illtreatment of civilians.

H0003-0044

2. In the U.S.S.R., i.e., in the Bielorussian, Ukranian, Esthonian, Latvian, Lithuanina, Karelo-Finnish, and Moldavian Soviet Socialist Republics, in 19 regions of the Russian Soviet Federated Socialist Republic, and in Poland, Czecho-Slovakia, Yugoslavia, Greece, and the Balkans (hereinafter called "the Eastern Countries") and in that part of Germany which lies East of a line drawn North and South through the centre of Berlin (hereinafter called "Eastern Germany").

From the 1st September, 1939, when the German armed forces invaded Poland, and from the 22nd June, 1941, when they invaded the U.S.S.R., the German Government and the German High Command adopted a systematic policy of murder and ill-treatment of the civilian populations of and in the Eastern Countries as they were successively occupied by the German armed forces. These murders and ill-treatments were carried on continuously until the German Armed Forces were dirven out of the said countries.

Such murders and ill-treatments included:--

(a) Murders and ill-treatments at concentration camps and similar establishments set up by the Germans in the Eastern Countries and in Eastern Germany including those set up at Maidanek and Auschwitz.

The said murders and ill-treatments were carried out by divers means including all those set out above, as follows:

About 1,500,000 persons were exterminated in Maidanek and about 4,000,000 persons were exterminated in Auschwitz, among whom were citizens of Poland, the U.S.S.R., the United States of America, Great Britain, Czechoslovakia, France and other countries.

In the Lwow region and in the city of Lwow the Germans exterminated about 700,000 Soviet people, including 70 persons in the field of the arts, science and technology, and also citizens of the U.S.A., Great Britain, Czechoslovakia, Yugoslavia and Holland, brought to this region from other concentration camps.

In the Jewish ghetto from 7th September, 1941, to 6th July, 1943, over 133,000 persons were tortured and shot.

Mass shooting of the population occurred in the suburbs of the city and in the Livenitz forest.

H0003-0045

In the Ganov camp 200,000 citizens were exterminated. The most refined methods of cruelty were employed in this extermination, such as disembowelling and the freezing of human beings in tubs of water. Mass shootings took place to the accompaniment of the music of an orchestra recruited from the persons interned.

Beginning with June, 1943, the Germans carried out measures to hide the evidence of their crimes. They exhumed and burned corpses, and they crushed the bones with machines and used them for fertilizer.

At the beginning of 1944, in the Ozarichi region of the Bielorussian S.S.R., before liberation by the Red Army, the Germans established three concentration camps without shelters, to which they committed tens of thousands of persons from the neighbouring territories. They brought many people to these camps from typhus hospitals intentionally, for the purpose of infecting the other persons interned and for spreading the disease in territories from which the Germans were being driven by the Red Army. In these camps there were many murders and crimes.

In the Esthonian S.S.R. they shot tens of thousands of persons and in one day alone, 19th September, 1944, in Camp Kloga, the Germans shot 2,000 peaceful citizens. They burned the bodies on bonfires.

In the Lithuanian S.S.R. there were mass killings of Soviet citizens, namely: in Panerai at least 100,000; in Kaunas more than 70,000; in Alitus about 60,000; at Prenai more than 3,000; in Villiampol about 8,000; in Mariampol about 7,000; in Trakai and neighbouring towns 37,640.

In the Latvian S.S.R. 577,000 persons were murdered.

As a result of the whole system of internal order maintained in all camps, the interned persons were doomed to die.

In a secret instruction entitled "the internal regime in concentration camps", signed personally by Himmler in 1941 severe measures of punishment were set forth for the internees. Masses of prisoners of war were shot, or died from the cold and torture.

H0003-0046

(b) Murders and ill-treatments at places in the Eastern Countries and in the Soviet Union, other than in the camps referred to in (a) above, included, on various dates during the occupation by the German Armed Forces:

The destruction in the Smolensk region of over 135,000 Soviet citizens.

Among these, near the village of Kholmetz of the Sychev region, when the military authorities were required to remove the mines from an area, on the order of the Commander of the 101st German Infantry Division, Major-General Fisler, the German soldiers gathered the inhabitants of the village of Kholmetz and forced them to remove mines from the road. All of these people lost their lives as a result of exploding mines.

In the Leningrad region there were shot and tortured over 172,000 persons, including over 20,000 persons who were killed in the city of Leningrad by the barbarous artillery barrage and the bombings.

In the Stavropol region in an anti-tank trench close to the station of Mineralny Vody, and in other cities, tens of thousands of persons were exterminated.

In Pyatigorsk many were subjected to torture and criminal treatment, including suspension from the ceiling and other methods. Many of the victims of these tortures were then shot.

In Krasnodar some 6,700 civilians were murdered by poison gas in gas vans, or were shot and tortured.

In the Stalingrad region more than 40,000 persons were killed and tortured. After the Germans were expelled from Stalingrad, more than a thousand mutilated bodies of local inhabitants were found with marks of torture. One hundred and thirty-nine women had their arms painfully bent backward and held by wires. From some their breasts had been cut off and their ears, fingers and toes had been amputated. The bodies bore the marks of burns. On the bodies of the men the five pointed star was burned with an iron or cut with a knife. Some were disembowelled.

In Orel over 5,000 persons were murdered.

H0003-0047

In Novgorod and in the Novgorod region many thousands of Soviet citizens were killed by shooting, starvation and torture. In Minsk tens of thousands of citizens were similarly killed.

In the Crimea peaceful citizens were gathered on barges, taken out to sea and drowned, over 144,000 persons being exterminated in this manner.

In the Soviet Ukraine there were monstrous criminal acts of the Nazi conspirators. In Babi Yar, near Kiev, they shot over 100,000 men, women, children and old people. In this city in January, 1941, after the explosion in German Headquarters on Dzerzhinsky Street the Germans arrested as hostages 1,250 persons - old men, minors, women with nursing infants. In Kiev they killed over 195,000 persons.

In Rovno and the Rovno region they killed and tortured over 100,000 peaceful citizens.

In Dnepropetrovsk, near the Transport Institute, they shot or threw alive into a great ravine 11,000 women, old men and children.

In Kamenetz-Podolsk Region 31,000 Jews were shot and exterminated, including 13,000 persons brought there from Hungary.

In the Odessa Region at least 200,000 Soviet citizens were killed.

In Kharkov about 195,000 persons were either tortured to death, shot or gassed in gas vans.

In Gomel the Germans rounded up the population in prison, and tortured and tormented them, and then took them to the centre of the city and shot them in public.

In the city of Lyda in the Grodnen region on 8th May, 1942, 5,670 persons were completely undressed, driven into pens in groups of 100 and then shot by machine guns. Many were thrown in the graves while they were still alive.

Along with adults the Nazi comspirators mercilessly destroyed even children. They killed them with their parents, in groups and alone. They killed them in children's homes and hospitals, burying the living

H0003-0048

in the graves, throwing them into flames, stabbing them with bayonets, poisoning them, conducting experiments upon them, extracting their blood for the use of the German Army, throwing them into prison and Gestapo torture chambers and concentration camps, where the children died from hunger, torture and epidemic diseases.

From 6th September to 24th November, 1942, in the region of Brest, Pinsk, Kobren, Dyvina, Malority and Berezy-Kartuzsky about 400 children were shot by German punitive units.

In the Yanov camp in the city of Lwow the Germans killed 8,000 children in two months.

In the resort of Tiberda the Germans annihilated 500 children suffering from tuberculosis of the bone, who were in the sanatorium for the cure.

On the territory of the Latvian S.S.R. the German usurpers killed thousands of children, which they had brought there with their parents from the Bielorussian S.S.R., and from the Kalinin, Kaluga and other regions of the R.S.F.S.R.

In Czechoslovakia as a result of torture, beating, hanging, and shootings, there were annihilated in Gestapo prisons in Brno, Seim and other places over 20,000 persons. Moreover many thousands of internees were subjected to criminal treatment, beatings and torture.

Both before the war, as well as during the war, thousands of Czech patriots, in particular catholics and protestants, lawyers, doctors, teachers, etc., were arrested as hostages and imprisoned. A large number of these hostages were killed by the Germans.

In Greece in October, 1941, the male populations between 16 and 60 years of age of the Greek villages Amelofito, Kliston, Kizonia Mesovunos, Selli, Ano-Kerzilion and Kato-Kerzilion were shot - in all 416 persons.

In Yugoslavia many thousands of civilians were murdered. Other examples are given under paragraph (D), "Killing of Hostages", below.

H0003-0049

THE PRESIDENT: Paragraph (B) on page 16 was read by the Chief Prosecutor for the French Republic. Paragraph 2 on page 17 was omitted by him. So had you better not go on at paragraph 2 at page 17?

CHIEF RUSSIAN PROSECUTOR:

"2. From the Eastern Countries:

"The German occupying authorities deported from the Soviet Union to slavery about 4,000,000 Soviet citizens.

"750,000 Czechoslovakian citizens were taken away for forced labor outside the Czechoslovak frontiers in the interior of the German war machine.

"On June 4, 1941, in the city of Zagreb (Yugoslavia) a meeting of German representatives was called with the Consul Von Troll presiding. The purpose was to set up the means of deporting the Yugoslav population from Slovenia. Tens of thousands of persons were deported in carrying out this plan.

"MURDER AND ILL-TREATMENT OF PRISONERS OF WAR, AND OF OTHER"

THE PRESIDENT: Will you read Paragraph 2 at page 18?

CHIEF RUSSIAN PROSECUTOR:

"2. In the Eastern Countries:

"At Orel prisoners of war were exterminated by starvation, shooting, exposure, and poisoning.

"Soviet prisoners of war were murdered en masse on orders from the High Command the Headquarters of the SIPO and SD. Tens of thousands of Soviet prisoners of war were tortured and murdered at the "Gross Lazaret" at Alavuta.

"In addition, many thousands of the persons referred to in paragraph VIII (A)2, above, were Soviet prisoners of war.

"Prisoners of war who escaped and were recaptured were handed over to SIPO and SD for shooting.

"Frenchmen fighting with the Soviet Army who were

H0003 - 0050

captured were handed over to the Vichy Government for proceedings.

"In March, 1944, 50 R.A.F. officers who escaped from Stalag Luft III at Sagan, when recaptured, were murdered.

"In September, 1941, 925 Polish officers, who were prisoners of war were killed in the Katyn Forest near Smolensk.

"In Yugoslavia the German Command and the occupying authorities in the person of the chief officials of the Police, the SS troops (Police Lieutenant General Regener) and the liaison with the troops (General Kubler and others) in the period 1941-43 ordered the shooting of prisoners of war."

THE PRESIDENT:

Now, Paragraph 2 of (D).

SECOND RUSSIAN PROSECUTOR (taking up the reading of the indictment):

"2. In the Eastern Countries:

"At Kragnevatz in Yugoslavia 2,300 hostages were shot in October, 1941.

"At Kralevo in Yugoslavia 5,000 hostages were shot."

THE PRESIDENT:

Will you turn now to (E), paragraph 2, page 21?

SECOND RUSSIAN PROSECUTOR:

"2. Eastern Countries:

"During the occupation of the Eastern Countries the German Government and the German High Command carried out, as a systematic policy, a continuous course of plunder and destruction including:

"On the territory of the Soviet Union the Nazi conspirators destroyed or severely damaged 1,710 cities and more than 70,000 villages and hamlets, more than 6,000,000 buildings and made homeless about 25,000,000 persons.

H0003-0051

"Among the cities which suffered most destruction are Stalingrad, Sevastopol, Kiev, Minsk, Odessa, Smolensk, Novogorod, Pskov, Orel, Kharkov, Voronezh, Rostov-on-Don, Stalino and Leningrad.

"As is evident from an official memorandum of the German command, the Nazi conspirators planned the complete annihilation of entire Soviet cities. In a completely secret order of the Chief of the Naval Staff (Staff 1A No. 1601/41, dated 22.IX.1941) addressed only to Staff officers, it was said:

"'The Fuehrer has decided to erase from the face of the earth St. Petersburgh. The existence of this large city will have no further interest after Soviet Russia is destroyed. Finland has also said that the existence of this city on her new border is not desirable from her point of view. The original request of the Navy that docks, harbor, etc., necessary for the fleet be preserved -- is known to the Supreme Commander of the Military Forces, but the basic principles of carrying out operations against St. Petersburgh do not make it possible to satisfy this request.

"'It is proposed to approach near to the city and to destroy it with the aid of an artillery barrage from weapons of different calibres and with long air attacks ...

"'The problem of the life of the population and the provisioning of them is a problem which cannot and must not be decided by us.

"'In this war . . . we are not interested in preserving even a part of the population of this large city.'

"The Germans destroyed 427 museums, among them the wealthy museums of Leningrad, Smolensk, Stalingrad, Novgorod, Poltava and others.

H0003 - 0052

"In Pyatigorsk the art objects brought there from the Rostov museum were seized.

"The losses suffered by the coal mining industry alone in the Stalin Region amount to 2,000,000,000 rubles. There was colossal destruction of industrial establishments in Makeevka, Carlovka, Yenakievo, Konstantinovka, Mariupol, from which most of the machinery and factories were removed.

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H0003-0053

"Stealing of huge dimensions and the destruction of industrial, cultural and other property was typified in Kiev. More than 4,000,000 books, magazines and manuscripts (many of which were very valuable and even unique) and a large number of artistic productions and valuables of different kinds were stolen and carried away.

"Many valuable art productions were taken away from Riga.

"The extent of the plunder of cultural valuables is evidenced by the fact that 100,000 valuable volumes and 70 cases of ancient periodicals and precious monographs were carried away by ROSENBERG'S staff alone.

Among further examples of these crimes are:

Wanton devastation of the city of Novgorod and of many historical and artistic monuments there. Wanton devastation and plunder of the city of Rovno and of its province. The destruction of the industrial, cultural and other property in Odessa. The destruction of cities and villages in Soviet Karelia. The destruction in Estonia of cultural, industrial and other buildings.

The destruction of medical and prophylactic institutes, the destruction of agriculture and industry in Lithuania, the destruction of cities in Latvia.

The Germans approached monuments of culture, dear to the Soviet people with special hatred. They broke up the estate of the poet Pushkin in Mikhailovskoye, desecrating his grave, and destroying the neighboring villages and the Svyatogor monastery.

They destroyed the estate and museum of Ley Tolstoy, "Yasnaya Polyana" and desecrated the grave of the great writer. They destroyed in Klin the museum of Tsaikovsky and in Penaty, the museum of the painter Repin and many others.

The Nazi conspirators destroyed 1,670 Greek Orthodox Churches, 237 Roman Catholic Churches, 67 Chapels, 532 Synagogues, etc.

They broke up, desecrated and senselessly destroyed also the most valuable monuments of the Christian Church, such as Kievo-Pecherskaya Lavra, Novy Jerusalem in the Istrin region, and the most ancient monasteries and churches.

Destruction in Esthonia of cultural industrial and other premises: burning down of many thousands of residential buildings: removal of 10,000 works of art: destruction of medical and prophylactic institutions. Plunder and removal to Germany of immense quantities of agricultural stock including horses, cows,

H0003-0054

pigs, poultry, beehives and agricultural machines of all kinds.

Destruction of agriculture, enslavement of peasants and looting of stock and produce in Lithuania.

Destruction and plunder in Latvia.

Many valuable works of art and other valuable articles looted and carried away from Riga.

Carrying away by ROSENBERG'S H.Q. of 100,000 valuable volumes and 70 cases of ancient periodicals and precious monographs: wanton destruction of libraries and other cultural buildings: destruction of the agriculture of the Latvian Republic by the looting of all stock, machinery and produce.

The result of this policy of plunder and destruction was to lay waste to the land and cause utter desolation.

The overall value of the material loss which the U.S.S.R. has borne, is computed to be 679,000,000,000 rubles, in state prices of 1941.

Following the German occupation of Czechoslovakia on 15 March 1939 the defendants seized and stole large stocks of raw materials, copper, tin, iron, cotton, and food; caused to be taken to Germany large amounts of railway rolling stock, and many engines, carriages, steam vessels and trolley buses; plundered libraries, laboratories, and art museums of books, pictures, objects of art, scientific apparatus and furniture; stole all gold reserves and foreign exchange of Czechoslovakia, including 23,000 kilograms of gold of a nominal value of 5,265,000 pounds; fraudulently acquired control and thereafter looted the Czech banks and many Czech industrial enterprises; and otherwise stole, looted and misappropriated Czechoslovak public and private property. The total sum of defendants' economic spoliation of Czechoslovakia from 1938 to 1945 is estimated at 200,000,000,000 Czechoslovak crowns.

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"(B") Deportation for Slave Labour and for Other Purposes of the Civilian Populations of and in Occupied Territories.

"During the whole period of the occupation by Germany of both the Western and the Eastern Countries, it was the policy of the German Government and of the German High Command to deport able-bodied citizens from such occupied countries to Germany and to other occupied countries for the purpose of slave labour upon defense works, in factories, and in other tasks connected with the German War effort.

"In pursuance of such policy there were mass deportations from all the Western and Eastern countries for such purposes during the whole period of the occupation.

"Such deportations were contrary to international Conventions, in particular to Article 46 of the Hague Regulations, 1907, the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the internal penal laws of the countries in which such crimes were committed, and to Article 6 (b) of the Charter.

"Particulars of deportations, by way of example only and without prejudice to the production of evidence of other cases are as follows:

"1. From the Western Countries:

"From France the following deportations of persons for political and racial reasons took place -- each of which consisted of from 1,500-2,500 deportees:

1940	3 Transports
1941	14 Transports
1942	104Transports
1943	257 Transports
1944	326 Transports

"Such deportees were subjected to the most barbarous conditions of overcrowding; they were provided with wholly insufficient clothing and were given little or no food for several days.

"The conditions of transport were such that many deportees died in the course of the voyage, for example:

"In one of the wagons of the train which left Campiegne for Buchenwald, on the 17th of September, 1943, 80 men died out of 130;

H0003-0056

"On 4th June, 1944, 484 bodies were taken out of the train at Sarrebourg;

"In a train which left Compiegne on the 2nd July, 1944, for Dachau, more than 600 dead were found on arrival, i.e., one-third of the total number;

"In a train which left Compiegne on the 16th of January, 1944, for Buchenwald, more than 100 men were confined in each wagon, the dead and the wounded being heaped in the last wagon during the voyage;

"In April, 1945, of 12,000 internees evacuated from Buchenwald, 4,000 only were still alive when the marching column arrived near Regensburg.

"During the German occupation of Denmark, 5,200 Danish subjects were deported to Germany and there imprisoned in concentration camps and other places.

"In 1942 and thereafter, 6,000 nationals of Luxembourg were deported from their country under deplorable conditions as a result of which many of them perished.

"From Belgium between 1940 and 1944, at least 190,000 civilians were deported to Germany and used as slave labour. Such deportees were subjected to ill treatment and many of them were compelled to work in armament factories.

"From Holland, between 1940 and 1944 nearly half a million civilians were deported to Germany and to other occupied countries.

H0003-0057

"(C) MURDER AND ILL-TREATMENT OF PRISONERS OF WAR, AND OF OTHER MEMBERS OF THE ARMED FORCES OF THE COUNTRIES WITH WHOM GERMANY WAS AT WAR, AND OF PERSONS ON THE HIGH SEAS.

"The Defendants murdered and ill-treated prisoners of war by denying them adequate food, shelter, clothing and medical care and attention; by forcing them to labor in inhumane conditions; by torturing them and subjecting them to inhuman indignities and by killing them. The German Government and the German High Command imprisoned prisoners of war in various concentration camps, where they were killed and subjected to inhuman treatment by the various methods set forth in paragraph VIII (A). Members of the armed forces of the countries with whom Germany was at war were frequently murdered while in the act of surrendering. These murders and ill-treatment were contrary to International Conventions, particularly Articles 4, 5, 6, and 7 of the Hague Regulations, 1907, and to Articles 2, 3, 4 and 6 of the Prisoners of War Convention (Geneva 1929) the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the internal penal laws of the countries in which such crimes were committed and to Article 6 (b) of the Charter.

"Particulars by way of example and without prejudice to the production of evidence of other cases, are as follows:

"I. In the Western Countries:

"French officers who escaped from Oflag X C were handed over to the Gestapo and disappeared; others were murdered by their guards; others sent to concentration camps and exterminated. Among others, the men of Stalag VI C were sent to Buchenwald.

"Frequently prisoners captured on the Western Front were obliged to march to the camps until they completely collapsed. Some of them walked more than 600 kilometers with hardly any food; they marched on for 48 hours running, without being fed; among them a certain number died of exhaustion or of hunger; stragglers were systematically murdered.

"The same crimes have been committed in 1943, 1944 and 1945 when the occupants of the camps were withdrawn before the Allied advance; particularly during the withdrawal of the prisoners of Sagan on February 8th, 1945.

H0003 - 0058

"Bodily punishments were inflicted upon non-commissioned officers and cadets who refused to work. On December 24th, 1943, three French N.C.O.'s were murdered for that motive in Stalag IV A. Many ill treatments were inflicted without motive on other ranks; stabbing with bayonets, striking with rifle-butts and whipping; in Stalag XX B the sick themselves were beaten many times by sentries; in Stalag III B and Stalag III C, worn-out prisoners were murdered or grievously wounded. In military gaols in Graudenz for instance, in reprisal camps as in Rava-Ruska, the food was so insufficient that the men lost more than 15 kilograms in a few weeks. In May, 1942, 1 loaf of bread only was distributed in Rava-Ruska to each group of 35 men.

"Orders were given to transfer French officers in chains to the camp of Mauthausen after they had tried to escape. At their arrival in camp they were murdered, either by shooting, or by gas and their bodies destroyed in the crematorium.

"American prisoners, officers and men, were murdered in Normandy during the summer of 1944 and in the Ardennes in December, 1944. American prisoners were starved, beaten and otherwise mistreated in numerous Stalags in Germany and in the occupied countries, particularly in 1943, 1944 and 1945.

"M. JERTHOFFER: (E) PLUNDER OF PUBLIC AND PRIVATE PROPERTY

"The defendants ruthlessly exploited the people and the material resources of the countries they occupied, in order to strengthen the Nazi war machine, to depopulate and impoverish the rest of Europe, to enrich themselves and their adherents, and to promote German economic supremacy over Europe.

"The Defendants engaged in the following acts and practices, among others:

"1. They degraded the standard of life of the people of occupied countries and caused starvation, by stripping occupied countries of foodstuffs for removal to Germany.

"2. They seized raw materials and industrial machinery in all of the occupied countries, removed them to Germany and used them in the interest of the German war effort, and the German economy.

"3. In all the occupied countries, in varying degrees, they confiscated businesses, plants and other property.

"4. In an attempt to give color of legality to illegal acquisitions

H0003 - 0059

of property, they forced owners of property go go through the forms of "voluntary" and "legal" transfers.

"5. They established comprehensive controls over the economies of all of the occupied countries and directed their resources, their production and their labor in the interests of the German war economy, depriving the local populations of the products of essential industries.

"6. By a variety of financial mechanisms, they despoiled all of the occupied countries of essential commodities and accumulated wealth, debased the local currency systems and disrupted the local economies. They financed extensive purchases in occupied countries through clearing arrangements by which they exacted loans from the occupied countries. They imposed occupation levies,

H0003-0060

exacted financial contributions, and issued occupation currency, far in excess of occupation costs. They used these excess funds to finance the purchase of business properties and supplies in the occupied countries.

"7. They abrogated the rights of the local populations in the occupied portions of the USSR and in Poland and in other countries to develop or manage agricultural and industrial properties, and reserved this area for exclusive settlement, development, and ownership by Germans and their so-called racial brethern.

"8. In further development of their plan of criminal exploitation, they destroyed industrial cities, cultural monuments, scientific institutions, and property of all types in the occupied territories to eliminate the possibility of competition with Germany.

"9. From their program of terror, slavery, spoilation and organized outrage, the Nazi conspirators created an instrument for the personal profit and aggrandizement of themselves and their adherents. They secured for themselves and their adherents

(a) Positions in administration of business involving power, influence, and lucrative prerequisites.

(b) The use of cheap forced labor.

(c) The acquisition on advantageous terms of foreign properties, business interests, and raw materials.

(d) The basis for the industrial supremacy of Germany.

"These acts were contrary to International Conventions, particularly Articles 46 to 56 inclusive of the Hague Regulations, 1907, the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the internal penal laws of the countries in which such crimes were committed and to Article 6 (b) of the Charter.

"Particulars (by way of example and without prejudice to the production of evidence of other cases) are as follows:

"1. Western Countries:

"There was plundered from the Western Countries from 1940 to 1944, works of art, artistic objects, pictures, plastics, furniture, textiles,

H0003-0061

antique pieces and similar articles of enormous value to the number of 21,903.

"In France statistics show the following:

"Removal of Raw Materials.

Coal	63,000,000 tons
Electric Energy	20,976 Mkwh
Petrol and fuel	1,943,750 tons
Iron ore	74,848,000 tons
Siderurigcal products	3,822,000 tons
Bauxite	1,211,800 tons
Cement	5,984,000 tons
Lime	1,888,000 tons
Quarry Products	25,872,000 tons

and various other products to a total value of 79,961,423,000 francs.

"Removal of Industrial Equipment.

Total: 9,759,861,000 francs, of which 2,626,479,000 francs of Machine Tools.

"Removal of Agricultural Produce.

Total: 126,655,852,000 francs.

i.e., for the principal products -	Wheat	2,947,337 tons
	Oats	2,354,080 tons
	Milk	790,000 hectolitres

H0003-0062

Milk (concentrated and in powder) . . .	460,000	hectolitres
Butter . . .	76,000	tons
Cheese . . .	49,000	tons
Potatoes . .	725,975	tons
Various vegetables . . .	575,000	tons
Wine . . .	7,647,000	hectolitres
Champagne . . .	87,000,000	bottles
Beer . . .	3,821,520	hectolitres
Various kinds of alcohol	1,830,000	"

"Removal of Manufactured Products

to a total of 184,640,000,000 francs

"Plundering

Francs: 257,020,004,000 from private enterprise

Francs: 55,000,100,000 from the state

"Financial Exploitation

"From June 1940 to September 1944 the French Treasury was compelled to pay to Germany 631,866,000,000 francs.

"Looting and Destruction of Works of Art

"The museums of Nantes, Nancy, Old-Marseilles were looted.

"Private collections of great value were stolen. In this way, Raphaels, Vermeers, Van Dycks and works of Rubens, Holbein, Rembrandt, Watteau, Boucher disappeared. Germany compelled France to deliver up 'The Mystic Lamb' by Van Eyck, which Belgium had entrusted to her.

"In Norway and other occupied countries decrees were made by which the property of many civilians, societies, etc., was confiscated. An immense amount of property of every kind was plundered from France, Belgium, Norway, Holland and Luxemburg.

"As a result of the economic plundering of Belgium between 1940 and 1944 the damage suffered amounted to 175 billions of Belgian francs.

H0003-0063

" (F) THE EXACTION OF COLLECTIVE PENALTIES

"The Germans pursued a systematic policy of inflicting, in all the occupied countries, collective penalties, pecuniary and otherwise, upon the population for acts of individuals for which it could not be regarded as collectively responsible; this was done at many places, including Oslo, Stavanger, Trondheim and Rogaland.

"Similar instances occurred in France, among others in Dijon, Nantes and as regards the Jewish population in the occupied territories. The total amount of fines imposed on French communities add up to 1,157,179,484 francs made up as follows:

A fine on the Jewish population 1,000,000,000

Various fines 157,179,484

"These acts violated Article 50, Hague Regulations, 1907, the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the internal penal laws of the countries in which such crimes were committed and Article 6 (b) of the Charter.

" (G) WANTON DESTRUCTION OF CITIES, TOWNS AND VILLAGES AND DEVASTATION NOT JUSTIFIED BY MILITARY NECESSITY."

"The Defendants wantonly destroyed cities, towns, and villages and committed other acts of devastation without military justification or necessity. These acts violated Articles 46 and 50 of the Hague Regulations, 1907, the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the internal penal laws ofthe countries in which such crimes were committed and Article 6 (b) of the Charter.

"Particulars by way of example only and without

H0003-0064

prejudice to the production of evidence of other cases, are as follows:

"1. Western Countries:

H0003-0065

"In March, 1941, part of Lofoten in Norway was destroyed.

"In April, 1942, the town of Telerag in Norway was destroyed.

"Entire villages were destroyed in France, among others, Oradour-sur-Glane, Saint-Nizier and, in the Vercors, La Mure, Vassieuz, La Chappelle en Vercors. The town of Saint Die was burnt down and destroyed. The Old Port District of Marseilles was dynamited in the beginning of 1943 and resorts along the Atlantic and the Mediterranean coasts, perticularly the town of Sanary, were demolished.

"In Holland there was most widespread and extensive destruction, not justified by military necessity, including the destruction of harbours, locks, dykes and bridges: immense devastation was also caused by inundations which equally were not justified by military necessity.

"(H) CONSCRIPTION OF CIVILIAN LABOUR

"Throughout the occupied territories the defendants conscripted and forced the inhabitants to labour and requisitioned their services for purposes other than meeting the needs of the armies of occupation and to an extent far out of proportion to the resources of the countries involved. All the civilians so conscripted were forced to work for the German war effort. Civilians were required to register and many of those who registered were forced to join the Todt Organization and the Speer Legion, both of which were semi-military organizations involving some military training. These acts violated Articles 46 and 52 of the Hague Regulations, 1907, the laws and customs of war, the general principles of criminal law as derived from the criminal laws or all civilized nations, the internal penal laws of the countries in which such crimes were committed and Article 6 (b) of the Charter.

"Particulars, by way of example only and without prejudice to the production of evidence of other cases, are as follows:

"1. Western Countries:

"In France, from 1942 to 1944, 964,813 persons were compelled to work in Germany and 747,000 to work in France for the German Army.

"In Luxembourg in 1944 alone, 2,500 men and 500 girls were conscripted for forced labor."

THE PRESIDENT: The Court will now adjourn until 2 o'clock.

(Whereupon, at 12:30 o'clock p.m. the Court recessed until 2 o'clock p.m. of the same day)

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H0003-0066

OFFICIAL TRANSCRIPT

of the

INTERNATIONAL MILITARY TRIBUNAL
in the matter of:
The United States of America, The French Republic, The United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Herman Wilhelm Goering, et al, Defendants, sitting at Nurnberg, Germany, on 20 November 1945, 1000-1230, Lord Justice Lawrence, presiding.

THE PRESIDENT: Before the defendants in this case are called upon to make their pleas to the indictment, which has been lodged against them, and in which they are charged with crimes against peace, war crimes, and crimes against humanity, and of a common plan or conspiracy to commit those crimes, it is the wish of the Tribunal that I should make a very brief statement on behalf of the Tribunal.

This International Military Tribunal has been established pursuant to the Agreement of London, dated the 8th of August, 1945, and the Charter of the Tribunal as annexed thereto. The purpose for which the Tribunal has been established is stated in Article 1 of the Charter to be the just and prompt trial and punishment of the major war criminals of the European Axis.

The signatories to the Agreement and Charter are the Government of the United Kingdom of Great Britain and Northern Ireland, the Government of the United States of America, the Provisional Government of the French Republic and the Government of the Union of Soviet Socialist Republics.

The Committee of the Chief Prosecutors, appointed by the four signatories, have settled the final designation of the war criminals to be tried by the Tribunal, and have approved the indictment on which the present defendants stand charged here today.

On Thursday, the 18th of October, 1945, in Berlin, the indictment was lodged with the Tribunal and a copy of that indictment in the German indictment has been furnished to each defendant, and has been

H0003-0067

in his possession for more than thirty days.

All the defendants are represented by counsel. In almost all cases the counsel appearing for the defendants, have been chosen by the defendants themselves, but in cases where counsel could not be obtained, the Tribunal has itself selected suitable counsel agreeable to the defendant.

The Tribunal has heard with great satisfaction of the steps which have been taken by the Chief Prosecutors to make available to defending counsel the numerous documents upon which the prosecution rely, with the aim of giving to the defendant every possibility for a just defense.

The trial, which is now about to begin is unique in the history of the jurisprudence of the world and it is of supreme importance to millions of people all over the globe. For these reasons, there is laid upon everybody who takes any part in this trial a solemn responsibility to discharge their duties without fear or favor in accordance with the sacred principles of law and justice.

The four signatories, having invoked the judicial process, it is the duty of all concerned to see that the trial in no way departs from those principles and traditions, which alone give justice its authority and the place it ought to occupy in the affairs of all civilized states.

This trial is a public trial in the fullest sense of those words, and I must, therefore, remind the public that the Tribunal will insist upon the complete maintenance of order and decorum, and will take the strictest measures to enforce it. It only remains for me to direct, in accordance with the provisions of the Charter, that the indictment shall now be read.

MR. SIDNEY ALDERMAN: May it please the Tribunal:

INDICTMENT

I. The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland and the Union of Soviet Socialist Republics by the undersigned, Robert H. Jackson, Francois de Menthon, Hartley Shawcross and R. A. Rudenko, duly appointed to

H0003-0068

represent their respective Governments in the investigation of the charges against and the prosecution of the major war criminals, pursuant to the Agreement of London dated 8th August, 1945, and the Charter of this Tribunal annexed thereto, hereby accuse as guilty, in the respects hereinafter set forth, of Crimes against Peace, War Crimes, and Crimes against Humanity, and of a Common Plan or Conspiracy to commit those Crimes, all as defined in the Charter of the Tribunal, and accordingly name as defendants in this cause and as indicted on the counts hereinafter set out: HERMANN WILHELM GÖRING, RUDOLF HESS, JOACHIM von RIBBENTROP, ROBERT LEY, WILHELM KEITEL, ERNST KALTENBRUNNER, ALFRED ROSENBERG, HANS FRANK, WILHELM FRICK, JULIUS STREICHER, WALTER FUNK, HJALMAR SCHACHT, GUSTAV KRUPP von BOHLEN und HALBACH, KARL DÖNITZ, ERICH RAEDER, BALDUR von SCHIRACH, FRITZ SAUCKEL, ALFRED JODL, MARTIN BORMANN, FRANZ von PAPEN, ARTUR SEYSS-INQUART, ALBERT SPEER, CONSTANTIN von NEURATH and HANS FRITZSCHE, individually and as members of any of the Groups or Organizations next hereinafter named.

II. The following are named as Groups or Organizations (since dissolved) which should be declared criminal by reason of their aims and the means used for the accomplishment thereof and in connection with the conviction of such of the named defendants as were members thereof: DIE REICHSREGIERUNG (REICH CABINET); DAS KORPS DER POLITISCHEN LEITER DER NATIONALSOZIALISTISCHEN DEUTSCHEN ARBEITERPARTEI (LEADERSHIP CORPS OF THE NAZI PARTY); DIE SCHUTZSTAFFELN DER NATIONALSOZIALISTISCHEN DEUTSCHEN ARBEITERPARTEI (commonly known as the "SS") and including DIE SICHERHEITSDIENST (commonly known as the "SD"); DIE GEHEIME STAATSPOLIZEI (SECRET STATE POLICE, commonly known as the "GESTAPO"); DIE STURMABTEILUNGEN DER N.S.D.A.P. (commonly known as the "SA"); and the GENERAL STAFF and HIGH COMMAND of the GERMAN ARMED FORCES. The identity and membership of the Groups or Organizations referred to in the foregoing titles are hereinafter in Appendix B more particularly defined.

COUNT ONE--THE COMMON PLAN OR CONSPIRACY

(Charter, Article 6, especially 6 (a))

H0003 - 0069

III. STATEMENT OF THE OFFENSE

All the defendants, with divers other persons, during a period of years preceding 8th May, 1945, participated as leaders, organizers, instigators or accomplices in the formulation or execution of a common plan or conspiracy to commit, or which involved the commission of, Crimes against Peace, War Crimes, and Crimes against Humanity, as defined in the Charter of this Tribunal, and, in accordance with the provisions of the Charter, are individually responsible for their own acts and for all acts committed by any persons in the execution of such plan or conspiracy. The common plan or conspiracy embraced the commission of Crimes against Peace, in that the defendants planned, prepared, initiated and waged wars of aggression, which were also wars in violation of international treaties, agreements or assurances. In the development and course of the common plan or conspiracy it came to embrace the commission of War Crimes, in that it contemplated, and the defendants determined upon and carried out, ruthless wars against countries and populations, in violation of the rules and customs of war, including as typical and systematic means by which the wars were prosecuted, murder, ill-treatment, deportation for slave labor and for other purposes of civilian populations of occupied territories, murder and ill-treatment of prisoners of war and of persons on the high seas, the taking and killing of hostages, the plunder of public and private property, the wanton destruction of cities, towns, and villages, and devastation not justified by military necessity. The common plan or conspiracy contemplated and came to embrace as typical and systematic means, and the defendants determined upon and committed, Crimes against Humanity, both within Germany and within occupied territories, including murder, extermination, enslavement, deportation and other inhumane acts committed against civilian populations before and during the war, and persecutions on political, racial, or religious grounds, in execution of the plan for preparing and prosecuting aggressive or illegal wars, many of such acts and persecutions being violations of the domestic laws of the countries where perpetrated.

H0003-0070

IV. PARTICULARS OF THE NATURE AND DEVELOPMENT OF THE COMMON PLAN OR CONSPIRACY

(A) NAZI PARTY AS THE CENTRAL CORE OF THE COMMON PLAN OR CONSPIRACY

In 1921 Adolf Hitler became the supreme leader or Fuhrer of the Nationalsozialistische Deutsche Arbeiterpartei (National Socialist German Workers Party), also known as the Nazi Party, which had been founded in Germany in 1920. He continued as such throughout the period covered by this Indictment. The Nazi Party, together with certain of its subsidiary organizations, became the instrument of cohesion among the defendants and their co-conspirators and an instrument for the carrying out of the aims and purposes of their conspiracy. Each defendant became a member of the Nazi Party and of the conspiracy, with knowledge of their aims and purposes, or, with such knowledge, became an accessory to their aims and purposes at some stage of the development of the conspiracy.

(B) COMMON OBJECTIVES AND METHODS OF CONSPIRACY

The aims and purposes of the Nazi Party and of the defendants and divers other persons from time to time associated as leaders, members, supporters or adherents of the Nazi Party (hereinafter called collectively the "Nazi conspirators") were, or came to be, to accomplish the following by any means deemed opportune, including unlawful means, and contemplating ultimate resort to threat of force, force and aggressive war: (i) to abrogate and overthrow the Treaty of Versailles and its restrictions upon the military armament and activity of Germany; (ii) to acquire the territories lost by Germany as the result of the World War of 1914-1918 and other territories in Europe asserted by the Nazi conspirators to be occupied principally by so-called "racial Germans"; (iii) to acquire still further territories in continental Europe and elsewhere claimed by the Nazi conspirators to be required by the "racial Germans" as "Lebensraum," or living space, all at the expense of neighboring and other countries. The aims and purposes of the Nazi conspirators were not fixed or static but evolved and expanded as they acquired progressively greater power and became able to make more effective application of threats of force and threats of aggressive war. When their expanding aims and purposes became finally so great as to provoke such strength of resistance as could be overthrown only by armed force and aggressive war, and not simply by

H0003-0071

the opportunistic methods theretofore used, such as fraud, deceit, threats, intimidation, fifth column activities and propaganda, the Nazi conspirators deliberately planned, determined upon and launched their aggressive wars and wars in violation of international treaties, agreements and assurances by the phases and steps hereinafter more particularly described.

(C) DOCTRINAL TECHNIQUES OF THE COMMON PLAN OR CONSPIRACY

To incite others to join in the common plan or conspiracy, and as a means of securing for the Nazi conspirators the highest degree of control over the German community, they put forth, disseminated, and exploited certain doctrines, among others, as follows:

1. That persons of so-called "German blood" (as specified by the Nazi conspirators) were a "master race" and were accordingly entitled to subjugate, dominate or exterminate other "races" and peoples;
2. That the German people should be ruled under the Fuhrerprinzip (leadership principle) according to which power was to reside in a Fuhrer from whom sub-leaders were to derive authority in a hierarchical order, each sub-leader to owe unconditional obedience to his immediate superior but to be absolute in his own sphere of jurisdiction; and the power of the leadership was to be unlimited, extending to all phases of public and private life;
3. That war was a noble and necessary activity of Germans;
4. That the leadership of the Nazi Party, as the sole bearer of the foregoing and other doctrines of the Nazi Party, was entitled to shape the structure, policies and practices of the German State and all related institutions, to direct and supervise the activities of all individuals within the State, and to destroy all opponents.

(D) THE ACQUIRING OF TOTALITARIAN CONTROL OF GERMANY: POLITICAL

1. <u>First steps in acquisition of control of State machinery</u>

In order to accomplish their aims and purposes, the Nazi conspirators prepared to seize totalitarian control over Germany to assure that no

H0003-0072

effective resistance against them could arise within Germany itself. After the failure of the Munich Putsch of 1923 aimed at the overthrow of the Weimar Republic by direct action, the Nazi conspirators set out through the Nazi Party to undermine and capture the German Government by "legal" forms supported by terrorism. They created and utilized, as a Party formation, Die Sturmabteilungen (SA), a semi-military, voluntary organization of young men trained for and committed to the use of violence, whose mission was to make the Party the master of the streets.

2. Control acquired

On 30th January, 1933, Hitler became Chancellor of the German Republic. After the Reichstag fire of 28th February, 1933, clauses of the Weimar constitution guaranteeing personal liberty, freedom of speech, of the press, of association and assembly were suspended. The Nazi conspirators secured the passage by the Reichstag of a "Law for the Protection of the People and the Reich" giving Hitler and the members of his then cabinet plenary powers of legislation. The Nazi conspirators retained such powers after having changed the members of the cabinet. The conspirators caused all political parties except the Nazi Party to be prohibited. They caused the Nazi Party to be established as a para-governmental organization with extensive and extraordinary privileges.

3. Consolidation of control

Thus possessed of the machinery of the German State, the Nazi conspirators set about the consolidation of their position of power within Germany, the extermination of potential internal resistance and the placing of the German nation on a military footing.

(a) The Nazi conspirators reduced the Reichstag to a body of their own nominees and curtailed the freedom of popular elections throughout the country. They transformed the several states, provinces and municipalities, which had formerly exercised semi-autonomous powers, into hardly more than administrative organs of the central government. They united the offices of the President and the Chancellor in

H0003 - 0073

the person of Hitler; instituted a widespread purge of civil servants; and severely restricted the independence of the judiciary and rendered it subservient to Nazi ends. The conspirators greatly enlarged existing State and Party organizations; established a network of new State and Party organizations; and "co-ordinated" State agencies with the Nazi Party and its branches and affiliates, with the result that German life was dominated by Nazi doctrine and practice and progressively mobilized for the accomplishment of their aims.

H0003-0074

(b) In order to make their rule secure from attack and to instil fear in the hearts of the German people, the Nazi conspirators established and extended a system of terror against opponents and supposed or suspected opponents of the regime. They imprisoned such persons without judicial process, holding them in "protective custody" and concentration camps, and subjected them to persecution, degradation, despoilment, enslavement, torture and murder. These concentration camps were established early in 1933 under the direction of the defendant GÖRING and expanded as a fixed part of the terroristic policy and method of the conspirators and used by them for the commission of the Crimes against Humanity hereinafter alleged. Among the principal agencies utilized in the perpetration of these crimes were the SS and the GESTAPO, which, together with other favored branches or agencies of the State and Party, were permitted to operate without restraint of law.

(c) The nazi conspirators conceived that, in addition to the suppression of distinctively political opposition, it was necessary to suppress or exterminate certain other movements or groups which they regarded as obstacles to their retention of total control in Germany and to the aggressive aims of the conspiracy abroad. Accordingly:

(1) The Nazi conspirators destroyed the free trade unions in Germany by confiscating their funds and properties, persecuting their leaders, prohibiting their activities, and supplanting them by an affiliated Party organization. The leadership principle was introduced into industrial relations, the entrepreneur becoming the leader and the workers becoming his followers. Thus any potential resistance of the workers was frustrated and the productive labor capacity of the German nation was brought under the effective control of the conspirators.

(2) The Nazi conspirators, by promoting beliefs and practices

H0003-0075

incompatible with Christian teaching, sought to subvert the influence of the Churches over the people and in particular over the youth of Germany. They avowed their aim to eliminate the Christian Churches in Germany and sought to substitute therefor Nazi institutions and Nazi beliefs and pursued a programme of persecution of priests, clergy and members of monastic orders whom they deemed opposed to their purposes and confiscated church property.

(3) The persecution by the Nazi conspirators of pacifist gourps, including religious movements dedicated to pacifism, was particularly relentless and cruel.

(d) Implementing their "master race" policy, the conspirators joined in a program of relentless persecution of the Jews, designed to exterminate them. Annihilation of the Jews became an official State policy, carried out both by official action and by incitements to mob and individual violence. The conspirators openly avowed their purpose. For example, the defendant ROSENBERG stated: "Anti-Semitism is the unifying element of the reconstruction of Germany." On another occasion he also stated: "Germany will regard the Jewish question as solved only after the very last Jew has left the greater German living space . . . Europe will have its Jewish question solved only after the very last Jew has left the Continent." The defendant LEY declared: "We swear we are not going to abandon the struggle until the last Jew in Europe has been exterminated and is actually dead. It is not enough to isolate the Jewish enemy of mankind--the Jew has got to be exterminated." On another occasion he also declared: "The second German secret weapon is anti-Semitism because if it is consistently pursued by Germany, it will become a universal problem which all nations will be forced to consider." The defendant STREICHER declared: "The sun will not shine on the nations of the earth until the last Jew is dead." These avowals and incitements were typical of the declarations of the Nazi conspirators throughout the course of their

H0003-0076

conspiracy. The program of action against the Jews included disfranchisement, stigmatization, denial of civil rights, subjecting their persons and property to violence, deportation, enslavement, enforced labor, starvation, murder and mass extermination. The extent to which the conspirators succeeded in their purpose can only be estimated, but the annihilation was substantially complete in many localities of Europe. Of the 9,600,000 Jews who lived in the parts of Europe under Nazi domination, it is conservatively estimated that 5,700,000 have disappeared, most of them deliberately put to death by the Nazi conspirators. Only remnants of the Jewish population of Europe remain.

(e) In order to make the German people amenable to their will, and to prepare them psychologically for war, the Nazi conspirators reshaped the educational system and particularly the education and training of the German youth. The leadership principle was introduced into the schools and the Party and affiliated organizations were given wide supervisory powers over education. The Nazi conspirators imposed a supervision of all cultural activities, controlled the dissemination of information and the expression of opinion within Germany as well as the movement of intelligence of all kinds from and into Germany, and created vast propaganda machines.

(f) The Nazi conspirators placed a considerable number of their dominated organizations on a progressively militarized footing with a view to the rapid transformation and use of such organizations whenever necessary as instruments of war.

(E) THE ACQUIRING OF TOTALITARIAN CONTROL IN GERMANY: ECONOMIC; AND THE ECONOMIC PLANNING AND MOBILIZATION FOR AGGRESSIVE WAR

Having gained political power the conspirators organized Germany's economy to give effect to their political aims.

H0003-0077

1. In order to eliminate the possibility of resistance in the economic sphere, they deprived labour of its rights of free industrial and political association as particularized in paragraph (D) 3 (c) (1) herein.

2. They used organizations of German business as instruments of economic mobilization for war.

3. They directed Germany's economy towards preparation and equipment of the military machine. To this end they directed finance, capital investment, and foreign trade.

4. The Nazi conspirators, and in particular the industrialists among them, embarked upon a hugh re-armament programme and set out to produce and develop huge quantities of materials of war and to create a powerful military potential.

5. With the object of carrying through the preparation for war the Nazi conspirators set up a series of administrative agencies and authorities. For example, in 1936 they established for this purpose the office of the Four Year Plan with the defendant GÖRING as Plenipotentiary, vesting it with overriding control over Germany's economy. Furthermore, on 28th August, 1939, immediately before launching their aggression against Poland, they appointed the defendant FUNK Plenipotentiary for Economics; and on 30th August, 1939, they set up the Ministerial Council for the Defence of the Reich to act as a War Cabinet.

H0003-0078

(F) UTILIZATION OF NAZI CONTROL FOR FOREIGN AGGRESSION

1. Status of the conspiracy by the middle of 1933 and projected plans.

By the middle of the year 1933 the Nazi conspirators, having acquired governmental control over Germany, were in a position to enter upon further and more detailed planning with particular relationship to foreign policy. Their plan was to re-arm and to re-occupy and fortify the Rhineland, in violation of the Treaty of Versailles and other treaties, in order to acquire military strength and political bargaining power to be used against other nations.

2. The Nazi conspirators decided that for their purpose the Treaty of Versailles must definitely be abrogated and specific plans were made by them and put into operation by 7th March, 1936, all of which opened the way for the major aggressive steps to follow, as hereinafter set forth. In the execution of this phase of the conspiracy the Nazi conspirators did the following acts:

(a) They led Germany to enter upon a course of secret re-armament from 1933 to March, 1935, including the training of military personnel and the production of munitions of war, and the building of an air force.

(b) On 14th October, 1933, they led Germany to leave the International Disarmament Conference and the League of Nations.

(c) On 10th March, 1935, the defendant GÖRING announced that Germany was building a military air force.

(d) On 16th March, 1935, the Nazi conspirators promulgated a law for universal military service, in which they stated the peace-time strength of the German Army would be fixed at 500,000 men.

(e) On 21st May, 1935, they falsely announced to the world, with intent to deceive and allay fears of aggressive intentions, that they would respect the territorial limitations

H0003-0079

of the Versailles Treaty and comply with the Locarno Pacts.

(f) On 7th March, 1936, they reoccupied and fortified the Rhineland, in violation of the Treaty of Versailles and the Rhine Pact of Locarno of 16th October, 1925, and falsely announced to the world that "we have no territorial demands to make in Europe".

3. Aggressive action against Austria and Czechoslovakia.

(a) The 1936-1938 phase of the plan: planning for the assault on Austria and Czechoslovakia.

The Nazi conspirators next entered upon the specific planning for the acquisition of Austria and Czechoslovakia, realizing it would be necessary, for military reasons, first to seize Austria before assaulting Czechoslovakia. On 21st May, 1935, in a speech to the Reichstag, Hitler stated that: "Germany neither intends nor wishes to interfere in the internal affairs of Austria, to annex Austria or to conclude an Anschluss". On 1st May, 1936, within two months after the re-occupation of the Rhineland, Hitler stated: "The lie goes forth again that Germany tomorrow or the day after will fall upon Austria or Czechoslovakia". Thereafter, the Nazi conspirators caused a treaty to be entered into between Austria and Germany on 11th July, 1936, Article I of which stated that "The German Government recognizes the full sovereignty of the Federated State of Austria in the spirit of the pronouncements of the German Führer and Chancellor of 21st May, 1935". Meanwhile, plans for aggression in violation of that treaty were being made. By the autumn of 1937, all noteworthy opposition within the Reich had been crushed. Military preparation for the Austrian action was virtually concluded. An influential group of the Nazi conspirators met with Hitler on 5th November, 1937, to review the situation. It was reaffirmed that Nazi Germany must have "Lebensraum" in central Europe. It was recognized that such conquest would probably meet resistance which would have to be crushed by force and that their decision might lead to a general war, but this prospect was discounted as a risk worth taking. There emerged from this meeting three possible plans for the conquest of Austria and Czechoslovakia.

H0003-0080

Which of the three was to be used was to depend upon the developments in the political and military situation in Europe. It was contemplated that the conquest of Austria and Czechoslovakia would, through compulsory emigration of 2,000,000 persons from Czechoslovakia and 1,000,000 persons from Austria, provide additional food to the Reich for 5,000,000 to 6,000,000 people, strengthen it militarily by providing shorter and better frontiers, and make possible the constituting of new armies up to about twelve divisions. Thus, the aim of the plan against Austria and Czechoslovakia was conceived of not as an end in itself but as a preparatory measure toward the next aggressive steps in the Nazi conspiracy.

(b) The execution of the plan to invade Austria: November, 1937, to March, 1938.

Hitler on 6th February, 1938, called Chancellor Schuschnigg to a conference at Berchtesgaden. At the meeting of 12th February, 1938, under threat of invasion, Schuschnigg yielded a promise of amnesty to imprisoned Nazis and appointment of Nazis to ministerial posts. He agreed to remain silent until Hitler's 20th February speech in which Austria's independence was to be re-affirmed, but Hitler in his speech, instead of affirming Austrian independence, declared himself protector of all Germans. Meanwhile, subversive activities of Nazis in Austria increased. Schuschnigg on 9th March, 1938, announced a plebiscite for the following Sunday on the question of Austrian independence. On 11th March Hitler sent an ultimatum, demanding that the plebiscite be called off or that Germany would invade Austria. Later the same day a second ultimatum threatened invasion unless Schuschnigg should resign in three hours. Schuschnigg resigned. The defendant SEYSS-INQUART, who was appointed Chancellor immediately invited Hitler to send German troops into Austria to "preserve order". The invasion began on 12th March, 1938. On 13th March, Hitler by proclamation assumed office as Chief of State of Austria and took command of its armed forces. By a law of the same date Austria was annexed to Germany.

H0003 - 0081

(c) The execution of the plan to invade Czechoslovakia: April, 1938, to March, 1939.

1. Simultaneously with their annexation of Austria the Nazi conspirators gave false assurances to the Czechoslovak Government that they would not attack that country. But within a month they met to plan specific ways and means of attacking Czechoslovakia, and to revise, in the light of the acquisition of Austria, the previous plans for aggression against Czechoslovakia.

2. On 21st April, 1938, the Nazi conspirators met and prepared to launch an attack on Czechoslovakia not later than 1st October, 1938. They planned specifically to create an "incident" to "justify" the attack. They decided to launch a military attack only after a period of diplomatic squabbling which, growing more serious, would lead to the excuse for war, or, in the alternative, to unleash a lightning attack as a result of an "incident" of their own creation. Consideration was given to assassinating the German Ambassador at Prague to create the requisite incident. From and after 21st April, 1938, the Nazi conspirators caused to be prepared detailed and precise military plans designed to carry out such an attack at any opportune moment and calculated to overcome all Czechoslovak resistance within four days, thus presenting the world with a fait accompli, and so forestalling outside resistance. Throughout the months of May, June, July, August and September, these plans were made more specific and detailed, and by 3rd September, 1938, it was decided that all troops were to be ready for action on 28th September, 1938.

3. Throughout this same period, the Nazi conspirators were agitating the minorities question in Czechoslovakia, and particularly in the Sudetenland, leading to a diplomatic crisis in August and September 1938. After the Nazi conspirators threatened war, the United Kingdom and France concluded a pact with Germany and Italy at Munich on 29th September, 1938, involving the cession of the Sudetenland by Czechoslovakia to Germany. Czechoslovakia was required to acquiesce. On 1st October, 1938, German troops occupied the Sudetenland.

H0003-0082

4. On 15th March, 1939, contrary to the provisions of the Munich Pact itself, the Nazi conspirators caused the completion of their plan by seizing and occupying the major part of Czechoslovakia not ceded to Germany by the Munich Pact.

H0003-0083

4. Formulation of the plan to attack Poland: preparation and initiation of aggressive war: March, 1939, to September, 1939

(a) With these aggressions successfully consummated, the conspirators had obtained much desired resources and bases and were ready to undertake further aggressions by means of war. Following assurances to the world of peaceful intentions, an influential group of the conspirators met on 23rd May, 1939, to consider the further implementation of their plan. The situation was reviewed and it was observed that "the past six years have been put to good use and all measures have been taken in correct sequence and in accordance with our aims"; that the national-political unity of the Germans had been substantially achieved; and that further successes could not be achieved without war and bloodshed. It was decided nevertheless next to attack Poland at the first suitable opportunity. It was admitted that the questions concerning Danzig which they had agitated with Poland were not true questions, but rather that the question was one of aggressive expansion for food and "Lebensraum." It was recognized that Poland would fight if attacked and that a repetition of the Nazi success against Czechoslovakia without war could not be expected. Accordingly, it was determined that the problem was to isolate Poland and, if possible, prevent a simultaneous conflict with the Western Powers. Nevertheless, it was agreed that England was an enemy to their aspirations, and that war with England and her ally France must eventually result, and therefore that in that war every attempt must be made to overwhelm England with a "Blitzkrieg." It was thereupon determined immediately to prepare detailed plans for an attack on Poland at the first suitable opportunity and thereafter for an attack on England and France, together with plans for the simultaneous

H0003-0084

occupation by armed force of air bases in the Netherlands and Belgium.

(b) Accordingly, after having denounced the German-Polish Pact of 1934 on false grounds, the Nazi conspirators proceeded to stir up the Danzig issue, to prepare frontier "incidents" to "justify" the attack, and to make demands for the cession of Polish territory. Upon refusal by Poland to yield, they caused German armed forces to invade Poland on 1st September, 1939, thus precipitating war also with the United Kingdom and France.

5. Expansion of the war into a general war of aggression: planning and execution of attacks on Denmark, Norway, Belgium, The Netherlands, Luxembourg, Yugoslavia, and Greece: 1939 to April, 1941

Thus the aggressive war prepared for by the Nazi conspirators through their attacks on Austria and Czechoslovakia was actively launched by their attack on Poland, in violation of the terms of the Briand-Kellogg Pact, 1928. After the total defeat of Poland, in order to facilitate the carrying out of their military operations against France and the United Kingdom, the Nazi conspirators made active preparations for an extension of the war in Europe. In accordance with those plans, they caused the German armed forces to invade Denmark and Norway on 9th April, 1940; Belgium, the Netherlands and Luxembourg on 10th May, 1940; Yugoslavia and Greece on 6th April, 1941. All these invasions had been specifically planned in advance.

6. German invasion on June 22nd, 1941, of the U.S.S.R. territory in violation of Non-Aggression Pact of 23rd August, 1939.

On June 22nd, 1941, the Nazi conspirators deceitfully denounced the Non-Aggression Pact between Germany and the U.S.S.R. and without any declaration of war invaded Soviet territory thereby beginning a War of Aggression against the

H0003-0085

U.S.S.R.

From the first day of launching their attack on Soviet territory the Nazi conspirators, in accordance with their detailed plans, began to carry out the destruction of cities, towns and villages, the demolition of factories, collective farms, electric stations and railroads, the robbery and barbaric devastation of the natural cultural institutions of the peoples of the U.S.S.R., the devastation of museums, churches, historic monuments. The mass deportation of the Soviet citizens for slave labour to Germany, as well as the annihilation of old people, women and children, especially Belo-Russians and Ukranians. The extermination of Jews committed throughout the territory of the Soviet Union.

The above mentioned criminal offences were perpetrated by the German troops in accordance with the orders of the Nazi Government and the General Staff and High Command of the German armed forces.

7. Collaboration with Italy and Japan and aggressive war against the United States: November, 1936, to December, 1941

After the initiation of the Nazi wars of aggression the Nazi conspirators brought about a German-Italian-Japanese ten-year military-economic alliance signed at Berlin on 27th September, 1940. This agreement, representing a strengthening of the bonds among those three nations established by the earlier but more limited pact of 25th November, 1936, stated: "The Governments of Germany, Italy and Japan, considering it as a condition precedent of any lasting peace that all nations of the world be given each its own proper place, have decided to stand by and co-operate with one another in regard of their efforts in Greater East Asia and regions of Europe respectively wherein it is their prime purpose to establish

H0003-0086

and maintain a new order of things calculated to promote the mutual prosperity and welfare of the peoples concerned." The Nazi conspirators conceived that Japanese aggression would weaken and handicap those nations with whom they were at war, and those with whom they contemplated war. Accordingly, the Nazi conspirators exhorted Japan to seek "a new order of things." Taking advantage of the wars of aggression then being waged by the Nazi conspirators, Japan commenced an attack on 7th December, 1941, against the United States of America at Pearl Harbor and the Phillipines, and against the British Commonwealth of Nations, French Indo-China and the Netherlands in the southwest Pacific. Germany declared war against the United States on 11th December, 1941.

(G) WAR CRIMES AND CRIMES AGAINST HUMANITY COMMITTED IN THE COURSE OF EXECUTING THE CONSPIRACY FOR WHICH THE CONSPIRATORS ARE RESPONSIBLE

1. Beginning with the initiation of the aggressive war on 1st September, 1939, and throughout its extension into wars involving almost the entire world, the Nazi conspirators carried out their common plan or conspiracy to wage war in ruthless and complete disregard and violation of the laws and customs of war. In the course of executing the common plan or conspiracy there were committed the War Crimes detailed hereinafter in Count Three of this Indictment.

2. Beginning with the initiation of their plan to seize and retain total control of the German State, and thereafter throughout their utilization of that control for foreign aggression, the Nazi conspirators carried out their common plan or conspiracy in ruthless and complete disregard and violation of the laws of humanity. In the course of executing the common plan or conspiracy there were committed the Crimes against Humanity detailed hereinafter in Count Four of this Indictment.

H0003-0087

3. By reason of all the foregoing, the defendants with divers other persons are guilty of a common plan or conspiracy for the accomplishment of Crimes against Peace; of a conspiracy to commit Crimes against Humanity in the course of preparation for war and in the course of prosecution of war; and of a conspiracy to commit War Crimes not only against the armed forces of their enemies but also against non-belligerent civilian populations.

(H) INDIVIDUAL, GROUP AND ORGANIZATION RESPONSIBILITY FOR THE OFFENSE STATED IN COUNT ONE

Reference is hereby made to Appendix A of this Indictment for a statement of the responsibility of the individual defendants for the offense set forth in this Count One of the Indictment. Reference is hereby made to Appendix B of this Indictment for a statement of the responsibility of the groups and organizations named herein as criminal groups and organizations for the offense set forth in this Count One of the Indictment.

MR. SIDNEY ALDERMAN: If the Tribunal please, that ends Count One, which is America's responsibility.

Great Britain will present the Count Two.

SIR DAVID MAXWELL FYFE: If your Lordship please:

COUNT TWO - CRIMES AGAINST PEACE

(Charter, Article 6 (a))

V. Statement of the Offense

All the defendants with divers other persons, during a period of years preceding 8th May, 1945, participated in the planning, preparation, initiation and waging of wars of aggression, which were also wars in violation of international treaties, agreements and assurances.

VI. Particulars of the wars planned, prepared, initiated and waged

(A) The wars referred to in the Statement of Offense

H0003-0088

in this Count Two of the Indictment and the dates of their initiation were the following: against Poland, 1st September, 1939; against the United Kingdom and France, 3rd September, 1939; against Denmark and Norway, 9th April, 1940; against Belgium, the Netherlands and Luxembourg, 10th May, 1940; against Yugoslavia and Greece, 6th April, 1941; against the U.S.S.R., 22nd June, 1941; and against the United States of America, 11th December, 1941.

(B) Reference is hereby made to Count One of the Indictment for the allegations charging that these wars were wars of aggression on the part of the defendants.

(C) Reference is hereby made to Appendix C annexed to this Indictment for a statement of particulars of the charges of violations of international treaties, agreements and assurances caused by the defendants in the course of planning, preparing and initiating these wars.

H0003-0089

VII. Individual, group and organization responsibility for the offense stated in Count Two

Reference is hereby made to Appendix A of this Indictment for a statement of the responsibility of the individual defendants for the offense set forth in this Count Two of the Indictment. Reference is hereby made to Appendix B of this Indictment for a statement of the responsibility of the groups and organizations named herein as criminal groups and organizations for the offense set forth in this Count Two of the Indictment.

That finishes, Mr. President, Count Two of the Indictment.

THE PRESIDENT: Sir David.

SIR DAVID MAXWELL FYFE: If your Lordship pleases.

THE PRESIDENT: The Tribunal will now adjourn for 15 minutes.

SIR DAVID MAXWELL FYFE: If your Lordship please, the reading will be resumed by a representative of the French Republic.

(Following a recess, the International Military Tribunal reconvened at 1135 hours.)

THE PRESIDENT: The Tribunal understands that the defendant Ernst Kaltenbrunner is temporarily ill. The trial will continue in his absence. I call upon the Chief Prosecutor for the Provisional Republic of France.

MR. MONNIER: COUNT THREE-WAR CRIMES

(Charter, Article 6, especially 6 (b)

VIII. Statement of the Offense

All the defendants committed War Crimes between 1st September, 1939, and 8th May, 1945, in Germany and in all those countries and territories occupied by the German armed forces since 1st September, 1939, and in Austria, Czechoslovakia and Italy, and on the High Seas.

All the defendants, acting in concert with others, formulated and executed a common plan or conspiracy to commit War Crimes as defined in Article 6 (b) of the Charter. This plan involved, among other things, the practice of "total war" including methods of combat and of military occupation in direct conflict with the laws and customs

H0003-0090

of war, and the commission of crimes perpetrated on the field of battle during encounters with enemy armies, and against prisoners of war, and in occupied territories against the civilian population of such territories.

The said War Crimes were committed by the defendants and by other persons for whose acts the defendants are responsible (under Article 6 of the Charter) as such other persons when committing the said War Crimes performed their acts in execution of a common plan and conspiracy to commit the said War Crimes, in the formulation and execution of which plan and conspiracy all the defendants participated as leaders, organisers, instigators and accomplices.

These methods and crimes constituted violations of international conventions, of internal penal laws and of the general principles of criminal law as derived from the criminal law of all civilised nations, and were involved in and part of a systematic course of conduct.

(A) Murder and Illtreatment of Civilian Populations of or in Occupied Territory and on the High Seas

Throughout the period of their occupation of territories overrun by their armed forces the defendants, for the purpose of systematically terrorizing the inhabitants, murdered and tortured civilians, and illtreated them, and imprisoned them without legal process.

The murders and illtreatment were carried out by divers means, including shooting, hanging, gassing, starvation, gross over-crowding, systematic under-nutrition, systematic imposition of labour tasks beyond the strength of those ordered to carry them out, inadequate provision of surgical and medical services, kickings, beatings, brutality and torture of all kinds, including the use of hot irons and pulling out of finger nails and the performance of experiments by means of operations and otherwise on living human subjects. In some occupied territories the defendants interfered with religious services, persecuted members of the clergy and monastic orders, and expropriated church property. They conducted deliberate and systematic genocide, viz., the extermination of racial and national groups, against the civilian populations of certain occupied territories in order to destroy particular

H0003-0091

races and classes of people and national, racial or religious groups, particularly Jews, Poles and Gypsies and others.

Civilians were systematically subjected to tortures of all kinds, with the object of obtaining information.

Civilians of occupied countries were subjected systematically to "protective arrests" whereby they were arrested and imprisoned without any trial and any of the ordinary protections of the law, and they were imprisoned under the most unhealthy and inhumane conditions.

In the concentration camps were many prisoners who were classified "Nacht und Nebel". These were entirely cut off from the world and were allowed neither to receive nor to send letters. They disappeared without trace and no announcement of their fate was ever made by the German authorities.

Such murders and illtreatment were contrary to International Conventions, in particular to Article 46 of the Hague Regulations, 1907, the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilised nations, the internal penal laws of the countries in which such crimes were committed, and to Article 6 (b) of the Charter.

The following particulars and all the particulars appearing later in this count are set out herein by way of example only, are not exclusive of other particular cases, and are stated without prejudice to the right of the Prosecution to adduce evidence of other cases of murder and illtreatment of civilians.

I. In France, Belgium, Denmark, Holland, Norway, Luxembu g, Italy and the Channel Islands (hereinafter called the "Western Countries") and in that part of Germany wh ch lies west of a line drawn due North and South through the centre of Berlin (hereinafter called "Western Germany").

Such murder and illtreatment took place in concentration camps and similar establishments set up by the defendants, and particularly in the concentration camps set up at Belsen, Buchenwald, Dachau, Breendonck, Grini, Natzweiler, Ravensbruck, Vught and Amersfoort, and in numerous cities, towns and villages, including Oradour sur Glane, Trondheim and Oslo.

H0003-0092

Crimes committed in France or against French citizens took the following forms:-

Arbitary arrests were carried out under political or racial pretexts; they were both individual and collective; notably in Paris (round-up of the 18th Arrondissement by the Field Gendarmerie, round-up of the Jewish population of the 11th Arrondissement in August, 1941, round-up of Jewish intellectuals in December, 1941, round-up in July, 1942); at Clermont-Ferrand (round-up of professors and students of the University of Strasbourg, who were taken to Clermont-Ferrand on 25th November, 1943); at Lyons; at Marseilles (round-up of 40,000 persons in January, 1943); at Grenoble (round-up on 24th December, 1943); at Cluny (round-up on 24th December, 1944); at Figeac (round-up in May, 1944); at Saint Pol de Leon (round-up in July, 1944); at Locmine (round-up on 3rd July, 1944); at Eyzieux (round-up in May, 1944) and at Moussey (round-up in September, 1944). These arrests were followed by brutal treatment and tortures carried out by the most diverse methods, such as immersion in icy water, asphyziation, torture of the limbs, and the use of instruments of torture, such as the iron helmet and electric current, and practised in all the prisons of France, notably in Paris, Lyons, Marseilles, Rennes, Metz, Clermont-Ferrand, Toulouse, Nice, Grenoble, Annecy, Arras, Bethune, Lille, Loos, Valenciennes, Nancy, Troyes and Caen, and in the torture chambers fitted up at the Gestapo centres.

H0003-0093

In the concentration camps, the health regime, and the labour regime, were such that the rate of mortality (alleged to be from natural causes) attained enormous proportions, for instance:-

1. Out of a convoy of 230 French women deported from Compiégne to Auschwitz in January, 1943, 180 died of exhaustion by the end of four months.

2. 143 Frenchmen died of exhaustion between 23rd March and 6th May, 1943, in Block 8 at Dachau.

3. 1,797 Frenchmen died of exhaustion between 21st November, 1943, and 15th March, 1945, in the Block at Dora.

4. 465 Frenchmen died of general debility in November, 1944, at Dora.

5. 22,761 deportees died of exhaustion at Buchenwald between 1st January, 1943, and 15th April, 1945.

6. 11,560 detainees died of exhaustion at Dachau Camp (most of them in Block 30 reserved for the sick and the infirm) between 1st January and 15th April, 1945.

7. 780 priests died of exhaustion at Mauthausen.

8. Out of 2,200 Frenchmen registered at Flossenburg Camp, 1,600 died from supposedly natural causes.

Methods used for the work of extermination in concentration camps were:- bad treatment, pseudo-scientific experiments (sterilisation of women at Auschwitz and at Ravensbrück, study of the evolution of cancer of the womb at Auschwitz, of typhus at Buchenwald, anatomical research at Natzweiller, heart injections at Buchenwald, bone grafting and muscular excisions at Ravensbrück, etc.), gas chambers, gas wagons and crematory ovens. Of 228,000 French political and racial deportees in concentration camps, only 28,000 survived.

In France also systematic extermination was practised, notably at Asq on 1st April, 1944, at Colpo on 22nd July, 1944, at Buzet sur Tarn on 6th July, 1944 and on 17th August, 1944, at Pluvignier on 8th July, 1944, at Rennes on 8th June, 1944, at Grenoble on 8th July, 1944, at Saint Flour on 10th June, 1944, at Ruisnes on 10th July, 1944, at Nimes, at Tulle, and at Nice, where, in July, 1944, the victims of torture were exposed to the population, and at Oradour sur Glane where the entire village population was shot or burned alive in the church.

The many charnel pits give proof of anonymous massacres. Most notable of these are the charnel pits of Paris (Cascade du Bois de Boulogne), Lyons, Saint Genies Laval, Besancon, Petit Saint Bernard, Aulnat, Caen, Port Louis, Charleval, Fontainebleau, Bouconne, Gabaudet, Lhermitage Lorges, Morlaas, Bordelongue, Signe.

H0003-0094

In the course of a premeditated campaign of terrorism, initiated in Denmark by the Germans in the latter part of 1943, 600 Danish subjects were murdered and, in addition, throughout the German occupation of Denmark, large numbers of Danish subjects were subjected to torture and ill treatment of all sorts. In addition, approximately 500 Danish subjects were murdered, by torture and otherwise, in German prisons and concentration camps.

In Belgium between 1940 and 1944 tortures by various means, but identical in each place, was carried out at Brussels, Liège, Mons, Ghent, Namur, Antwerp, Tournai, Arlon, Charleroi and Dinant.

At Vught, in Holland, when the camp was evacuated about 400 persons were murdered by shooting.

In Luxembourg, during the German occupation, 500 persons were murdered and, in addition, another 521 were illegally executed, by order of such special tribunals as the so-called "Sondergericht". Many more persons in Luxembourg were subjected to torture and mistreatment by the Gestapo. Not less than 4,000 Luxembourg nationals were imprisoned during the period of German occupation, and of these at least 400 were murdered.

Between March, 1944, and April, 1945, in Italy, at least 7,500 men, women and children, ranging in years from infancy to extreme old age were murdered by the German soldiery at Civitella, in the Ardeatine Caves in Rome, and at other places.